ICANN | GNSO

Generic Names Supporting Organization

Initial Report on the Temporary Specification for gTLD Registration Data Expedited Policy Development Process

Status of This Document

This is the Initial Recommendations Report of the GNSO Expedited Policy Development Process (EPDP) Team on the Temporary Specification for gTLD Registration Data that has been posted for public comment.

Preamble

The objective of this Initial Report is to document the EPDP Team's: (i) deliberations on charter questions, (ii) preliminary recommendations, and (iii) additional identified issues to consider before the Team issues its Final Report. The EPDP Team will produce its Final Report after its review of the public comments received in response to this report. The EPDP Team will submit its Final Report to the GNSO Council for its consideration.

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1 Executive Summary

1.1 Introduction

On 17 May 2018, the ICANN Board of Directors (ICANN Board) adopted the Temporary Specification for generic top-level domain (gTLD) Registration Data ("Temporary Specification") pursuant to the procedures for the establishment of temporary policies in ICANN's agreements with Registry Operators and Registrars ("Contracts"). The Temporary Specification provides modifications to existing requirements in the Registrar Accreditation and Registry Agreements in order to comply with the European Union's General Data Protection Regulation ("GDPR"). Following adoption of a temporary specification, the procedure for Temporary Policies as outlined in the Registrar Accreditation and Registry Agreements, provides the Board "shall immediately implement the Consensus Policy development process set forth in ICANN's Bylaws". Additionally, the procedure provides this Consensus Policy development process on the Temporary Specification must be carried out within a one-year period as the Temporary Specification can only remain in force for up to one year, from the effective date of 25 May 2018, i.e., the Temporary Specification will expire on 25 May 2019.

On 19 July 2018, the GNSO Council initiated an Expedited Policy Development Process (EPDP) and chartered the EPDP on the Temporary Specification for gTLD Registration Data Team. Unlike other GNSO PDP efforts, which are open for anyone to join, the GNSO Council chose to limit the membership composition of this EPDP, primarily in recognition of the need to complete the work in a relatively short timeframe and to resource the effort responsibly. GNSO Stakeholder Groups, the Governmental Advisory Committee (GAC), the Country Code Supporting Organization (ccNSO), the At-Large Advisory Committee (ALAC), the Root Server System Advisory Committee (RSSAC) and the Security and Stability Advisory Committee (SSAC) were each been invited to appoint up to a set number of members and alternates, as outlined in the charter. In addition, the ICANN Board and ICANN Org have been invited to assign a limited number of liaisons to this effort. A call for volunteers to the aforementioned groups was issued in July and the EPDP Team held its first meeting on 1 August 2018.

This EPDP Team was chartered to determine if the Temporary Specification for gTLD Registration Data should become an ICANN Consensus Policy, as is or with modifications, while complying with the GDPR and other relevant privacy and data protection law. Additionally, the EPDP Team's charter contemplates a discussion of a standardized access model to nonpublic registration data; however, the discussion of a standardized access model will occur only after the EPDP Team has comprehensively answered a series of "gating questions", which have been specified in the EPDP Team's Charter. Specifically, the gating questions require the EPDP Team to examine (i) the validity, legitimacy and legal basis of the purposes outlined in the Temporary

71   Specification, (ii) the legitimacy, necessity and scope of the registrar collection of
72   registration data as outlined in the Temporary Specification, (iii) the legitimacy,
73   necessity and scope of the transfer of data from registrars to registries as outlined in the
74   Temporary Specification and (iv) the publication of registration data by registrars and
75   registries as outlined in the Temporary Specification.
76
77   In addition to the above-referenced gating questions, the EPDP Team is required to
78   examine: (i) the transfer of data from registrars and registries to escrow providers and
79   ICANN, (ii) the transfer of data from registries to emergency back-end registry operators
80   ("EBERO"), (iii) the definition and framework for reasonable access to registration data,
81   (iv) respective roles and responsibilities under the GDPR, i.e., the responsible parties, (v)
82   applicable updates to ICANN Consensus Policies, e.g., Transfer Policy, Uniform Domain
83   Name Dispute Resolution Policy ("UDRP"), Uniform Rapid Suspension ("URS"), et.al. The
84   EPDP Team shall also consider what subsidiary recommendations it might make for
85   future work by the GNSO which might be necessary to ensure relevant Consensus
86   Policies, including those related to registration data, are reassessed to become
87   consistent with applicable law.
88

89   1.2 Proposed Responses to Charter Questions & Preliminary
90   Recommendations
91
92   [To be updated following completion of relevant chapter]
93

94   1.3 Deliberations and Community Input
95
96   The EPDP Team reached out to all ICANN Supporting Organizations and Advisory
97   Committees as well as GNSO Stakeholder Groups and Constituencies with a request for
98   input at the start of its deliberations (see https://community.icann.org/x/Ag9pBQ). All
99   responses received were documented for the EPDP Team's review and incorporated
100   into the relevant Discussion Summary Indexes which the EPDP Team used to help
101   inform its deliberations (see https://community.icann.org/x/ExxpBQ). The EPDP Team
102   met at least twice every week for two-hour meetings, in addition to extensive email
103   discussions and online collaboration to develop this Initial Report.
104

105   1.4 Conclusions and Next Steps
106
107   This Initial Report will be posted for public comment for [30 days]. After the EPDP
108   Team's review of public comments received on this report, the EPDP Team will update
109   and finalize this report as deemed necessary for submission to the GNSO Council.

110   ## 1.5 Other Relevant Sections of this Report
111
112   For a complete review of the issues and relevant interactions of this EPDP Team, the
113   following sections are made available in the later pages of this document.

114   ■   Background of the issue, documenting how the Temporary Specification was
115   adopted by the Board and the required procedures accompanying the Board's
116   adoption of a Temporary Specification

117   ■   Documentation of who participated in the EPDP Team's deliberations, attendance
118   records, and links to Statements of Interest as applicable.

119   ■   An annex that includes the EPDP Team's mandate as defined in the Charter
120   adopted by the GNSO Council.

121   ■   Documentation on the solicitation of community input through formal SO/AC and
122   SG/C channels, including responses.

123

2 EPDP Team Approach

124

125

126 This Section provides an overview of the working methodology and approach of the
127 EPDP Team. The points outlined below are meant to provide the reader with relevant
128 background information on the EPDP Team's deliberations and processes, and should
129 not be read as representing the entirety of the efforts and deliberations of the EPDP
130 Team.

2.1 Working Methodology

131

132

133 The EPDP Team on the Temporary Specification for gTLD Registration Data began its
134 deliberations on 1 August 2018. It decided to continue its work primarily through
135 conference calls scheduled twice per week, in addition to email exchanges on its mailing
136 list. Additionally, the EPDP Team held two face-to-face meetings: one dedicated set of
137 face-to-face meetings at the ICANN headquarters in Los Angeles and the second set of
138 face-to-face discussions took place at the ICANN63 Public Meeting in Barcelona, Spain.
139 All of the EPDP Team's meetings are documented on its wiki workspace, including its
140 mailing list, draft documents, background materials and input received from ICANN's
141 SO/ACs and the GNSO's Stakeholder Groups and Constituencies.

142

143 The EPDP Team also prepared a Work Plan, which was reviewed and updated on a
144 regular basis. In order to facilitate its work, the EPDP Team used a template to tabulate
145 all input received in response to its request for Constituency and Stakeholder Group
146 statements (see Annex B). This template was also used to record input from other
147 ICANN Supporting Organizations and Advisory Committees, as well as individual EPDP
148 Team members' responses (either on their own behalf or as representatives of their
149 respective groups) which can be found in Annex C.

150

151 The EPDP Team held a community session at the ICANN63 Public Meeting in Barcelona,
152 during which it presented its methodologies and preliminary findings to the broader
153 ICANN community for discussion and feedback.

2.2 Initial Fact-Finding and Triage

154

155

156 Per its Charter, the EPDP Team was tasked to review a list of topics and questions, as
157 part of its work to develop policy recommendations relating to the Temporary
158 Specification for gTLD Registration Data. These topics and questions were derived in
159 large part from the prior work of the EPDP Drafting Team, comprised of GNSO
160 Councilors.

161

162 The first deliverable of the EPDP Team, per its charter, was a "triage" document of the
163 Temporary Specification which included items that have the Full Consensus support of

164 the EPDP Team: that these should be adopted as is (with no further discussion or
165 modifications needed).
166
167 Based on the results of a section-by-section survey completed by the EPDP Team, there
168 are very few areas where the consensus opinion of the EPDP Team agrees with the
169 current language in the Temporary Specification. However, there were several areas of
170 agreement with the underlying principles in several sections of the Temporary
171 Specification. Where a constituency / stakeholder group / advisory committee did
172 indicate support for a certain section of the Temporary Specification, edits were often
173 also suggested, meaning that essentially no section of the Temporary Specification will
174 be adopted without modifications.
175
176 That does not mean that the Triage report and the surveys and discussion that formed
177 the basis for the Triage report were without value. There were several takeaways that
178 informed the EPDP Team's work on the Initial Report:
179
180   1. Several comments made by the EPDP Team members indicated how the
181   sections/topics should be ordered for the next round of discussion; this served as
182   a basis for a more efficient discussion going forward.

183   2. The rationale provided by EPDP Team members in support / opposition of each
184   section can be used in some cases to narrow the discussion to particular issues.
185   Similarly, specific suggestions were made in some cases for how sections could
186   be modified, which could form a basis for further deliberation.

187   3. The EPDP Team compiled a library of each group's positions on and issues with a
188   variety of topics.

189 The Triage Report as well as input received can be found here:
190 https://community.icann.org/x/jxBpBQ.

2.3 Discussion Summary Indexes
192
193 The Triage Report caused the development of the Discussion Summary Indexes (DSIs).
194 Realising that the EPDP Team had to refer to many different documents to inform their
195 deliberations, the Support Team combined all these inputs into one standard document
196 to ensure that each member of the EPDP Team could operate efficiently and from the
197 same set of information. The EPDP Team used the DSIs to allow for a focused and
198 systematic approach in the deliberations; the DSIs included: (i) the relevant Charter
199 Questions mapped to the Temporary Specification; (ii) relevant input received in
200 response to the triage surveys, (iii) early input and (iv) advice provided by the European
201 Data Protection Board (EDPB). The DSIs can be found here:
202 https://community.icann.org/x/ExxpBQ.

2.4 Data Elements Workbooks

203
204
205   Early in its work, the EPDP Team realized that a review of each of the data elements
206   collected, the purpose for its processing and the legal basis for that data processing was
207   necessary. This led to the creation of a large spreadsheet to coordinate the analysis to
208   be done by the team and capture all the necessary information to answer the Charter
209   questions. The need to provide less unwieldy tool to lead the work led to the creation of
210   the Data Elements Workbooks, which bring together purpose, data elements,
211   processing activities, lawful basis for processing and responsible parties. The Data
212   Element Workbook for each purpose identified by the EPDP Team can be found in
213   Annex [include reference] of this Initial Report.

2.5 Small Teams

215
216   Small Teams (and the comparative dynamics of small vs large teams) were created as a
217   tool for quickly developing proposed consensus positions for the entire team to
218   consider. In addition to the Data Elements Workbooks, the EPDP Team also addressed a
219   number of overarching Charter Questions that were not included in the Data Element
220   Workbooks, through the use of small teams. These small teams explored these issues,
221   developed proposed responses to the charter questions and, as appropriate, related
222   preliminary recommendations, which were then reviewed by the full EPDP Team. Topics
223   covered included processing of data for natural vs. legal persons, the geographic
224   application of the policy recommendations and the definition of 'reasonable access'.
225
226   This approach, including the work products, form the basis for the EPDP Team's
227   proposed responses to the Charter Questions and preliminary recommendations which
228   can be found in the next section of this Initial Report.

2.6 Mediation Techniques

230   In this work, the use of professional mediation techniques were also employed as a way
231   to facilitate the development of consensus. Certified mediators from CBI (www.cbi.org)
232   facilitated discussions in face-to-face meetings and were generally credited with having
233   a positive effect on the timely development of consensus position and on keeping the
234   discussion issue-focused.

235

3 EPDP Team Responses to Charter Questions & Preliminary Recommendations

DISCLAIMER: ALL CONTENT, AND ESPECIALLY THE DRAFT RECOMMENDATIONS, WILL NEED TO BE CROSS-CHECKED WITH THE FINAL LANGUAGE AGREED TO BY THE EPDP TEAM BEFORE PUBLICATION.

The EPDP Team will not finalize its responses to the charter questions and recommendations to the GNSO Council until it has conducted a thorough review of the comments received during the public comment period on this Initial Report. Similarly, no formal consensus call has been taken on these responses and preliminary recommendations, but these did receive the support of the EPDP Team for publication for public comment. There where applicable, positions differing from the general direction of thinking have been reflected.

From the EPDP Team Charter:
"The EPDP Team is being chartered to determine if the Temporary Specification for gTLD Registration Data should become an ICANN Consensus Policy, as is or with modifications, while complying with the GDPR and other relevant privacy and data protection law. As part of this determination, the EPDP Team is, at a minimum, expected to consider the following elements of the Temporary Specification and answer the following charter questions. The EPDP Team shall consider what subsidiary recommendations it might make for future work by the GNSO which might be necessary to ensure relevant Consensus Policies, including those related to registration data, are reassessed to become consistent with applicable law".

Part 1: Purposes for Processing Registration Data

Charter Question
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?

EPDP Team considerations and deliberations in addressing the charter questions:
- The EPDP Team considered both the input provided by each group in response to the triage surveys as well as the input provided by each group in response to the request for Early Input in relation to these questions.

275   • In addition, the EPDP Team reviewed the feedback that the European Data
276   Protection Board provided in relation to lawful purposes for processing personal
277   data and took specific note of the following:
278
279   "Nevertheless, the EDPB considers it essential that a clear distinction be
280   maintained between the different processing activities that take place in
281   the context of WHOIS and the respective purposes pursued by the
282   various stakeholders involved. There are processing activities determined
283   by ICANN, for which ICANN, as well as the registrars and registries,
284   require their own legal basis and purpose, and then there are processing
285   activities determined by third parties, which require their own legal basis
286   and purpose. The EDPB therefore reiterates that ICANN should take care
287   not to conflate its own purposes with the interests of third parties, nor
288   with the lawful grounds of processing which may be applicable in a
289   particular case."[1]
290
291   As well as,
292
293   "As expressed also in earlier correspondence with ICANN (including this
294   letter of December 2017 and this letter of April 2018), WP29 expects
295   ICANN to develop and implement a WHOIS model which will enable
296   legitimate uses by relevant stakeholders, such as law enforcement, of
297   personal data concerning registrants in compliance with the GDPR,
298   without leading to an unlimited publication of those data."[2]
299
300   • All of the aforementioned input has been captured in the Discussion Summary
301   Index for section 4.4 which can be found here:
302   https://community.icann.org/x/ExxpBQ.
303   • The EPDP Team deliberated on the purposes listed in the Temporary
304   Specification as a starting point, but decided to reformulate the text and further
305   specify the relevant lawful basis (if any) and the party/parties involved in the
306   processing.
307
308   **EPDP Team Preliminary Rec #1.**
309   The EPDP Team recommends that the following ICANN purposes for processing gTLD
310   Registration Data form the basis of the new policy:
311
312   1. As subject to Registry and Registrar terms, conditions and policies, and ICANN
313   Consensus Policies:
314   • To establish the rights of a Registered Name Holder in a Registered Name;

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[1] See https://www.icann.org/en/system/files/correspondence/jelinek-to-marby-05jul18-en.pdf
[2] See https://edpb.europa.eu/news/news/2018/european-data-protection-board-endorsed-statement-wp29-icannwhois_en

- To ensure that a Registered Name Holder may exercise its rights in the use and disposition of the Registered Name; and
  - To activate a registered name and allocate it to a Registered Name Holder;
2. Maintaining the security, stability and resiliency of the Domain Name System in accordance with ICANN's mission through the enabling of lawful access for legitimate third-party interests to data elements collected for other purposes identified herein;
3. Enable communication with and/or notification to the Registered Name Holder and/or their delegated agents of technical and/or administrative issues with a Registered Name;
4. 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;
5. Handle contractual compliance monitoring requests, audits, and complaints submitted by Registry Operators, Registrars, Registered Name Holders, and other Internet users;
6. Coordinate, operationalize and facilitate policies for resolution of disputes regarding or relating to the registration of domain names (as opposed to the use of such domain names), namely, the UDRP, URS, PDDRP, RDDRP and future-developed domain name registration-related dispute procedures for which it is established that the processing of personal data is necessary.;
7. Enabling validation of Registered Name Holder satisfaction (fulfillment) of gTLD registration policy eligibility criteria.

Note that for each of the above purposes, the EPDP Team has also identified: (i) the related processing activities; (ii) the corresponding lawful basis for each processing activity; and (iii) the data controllers and processors involved in each processing activity. For more information regarding the above, please refer to the Data Elements Workbooks which can be found in Annex [to be confirmed].

Question #1 for community input: Are these purposes sufficiently specific and, if not, how do you propose to modify them? Please also provide the relevant rationale, keeping in mind compliance with the GDPR.

EPDP Team Preliminary Rec #2.
The EPDP Team commits to develop and coordinate policy in the system for standardized access to non-public registration data portion of this EPDP regarding lawful access for legitimate third-party interests regarding abuse or intellectual property to data identified herein that is already collected.

354
355 **EPDP Team Preliminary Rec #3.**
356 The EPDP Team recommends that requirements related to the accuracy of registration
357 data under the current ICANN contracts and consensus policies shall not be affected by
358 this policy.
359
360 **Part 2: Required Data Processing Activities**
361
362 Charter Question
363 b)   Collection of registration data by registrar:
364   b1) What data should registrars be required to collect for each of the following
365   contacts: Registrant, Tech, Admin, Billing?
366   b2) What data is collected because it is necessary to deliver the service of
367   fulfilling a domain registration, versus other legitimate purpose as outlined in
368   part (A) above?
369   b3) How shall legitimacy of collecting data be defined (at least for personal data
370   collected from European registrants and others in jurisdictions with data
371   protection law)?
372   b4) Under the purposes identified in Section A, is there legal justification for
373   collection of these data elements, or a legal reason why registrars should not
374   continue to collect all data elements for each contact?
375
376 EPDP Team considerations and deliberations in addressing the charter questions:
377   •   The EPDP Team considered both the input provided by each group in response
378   to the triage surveys as well as the input provided by each group in response to
379   the request for early input in relation to these questions.
380   •   In addition, the EPDP Team reviewed the feedback that the European Data
381   Protection Board provided in relation to the collection of registration data and
382   took specific note of the following:
383
384   "The EDPB considers that registrants should in principle not be required
385   to provide personal data directly identifying individual employees (or
386   third parties) fulfilling the administrative or technical functions on behalf
387   of the registrant. Instead, registrants should be provided with the option
388   of providing contact details for persons other than themselves if they
389   wish to delegate these functions and facilitate direct communication with
390   the persons concerned. It should therefore be made clear, as part of the
391   registration process, that the registrant is free to (1) designate the same
392   person as the registrant (or its representative) as the administrative or
393   technical contact; or (2) provide contact information which does not
394   directly identify the administrative or technical contact person concerned

395   (e.g. For the avoidance of doubt, the EDPB recommends explicitly
396   clarifying this within future updates of the Temporary Specification[3]”.
397

398   •   All of the aforementioned input has been captured in the Discussion Summary
399   Index for Appendix A which can be found here:
400   https://community.icann.org/x/ExxpBQ.
401   •   As a starting point, the EPDP examined data elements required to be collected
402   today. The data elements workbooks in Annex [include reference] outline in
403   detail which data elements are required to be collected for which purpose, and
404   which data elements are optional for a Registered Name Holder to provide.
405   Similarly, the data elements workbooks identify the applicable lawful basis.
406   Processing activities identified as lawful under art. 6.1(b) are considered
407   necessary for the performance of a contract.
408

409   **EPDP Team Preliminary Rec #4.**
410   The EPDP Team recommends that the data elements defined in the data elements
411   workbooks in Annex [include reference] are required to be collected by registrars. In the
412   aggregate, this means that the following data elements are to be collected [to be
413   updated with final version]:
414

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[3] See https://www.icann.org/en/system/files/correspondence/jelinek-to-marby-05jul18-en.pdf

Data Elements Collected or Generated - Pre GDPR	PURPOSE A Fields to be Collected	PURPOSE B Fields for Processing	PURPOSE C Fields for Processing	PURPOSE E - Ro Fields for Processing	PURPOSE E - Ry Fields for Processing	PURPOSE F Fields for Processing	PURPOSE M Fields for Processing	PURPOSE N Fields for Processing	TBD Fields for Processing	Collect or not?	I	(I)	-	Total
Domain Name	1	1	1	1		1	1	1			7	0	0	7
Registry Domain ID	-	-	-	-		-	-	1			1	0	6	7
Registrar Whois Server	1	1	-	-		1	1	1			5	0	2	7
Registrar URL	1	1	-	-		1	1	1			5	0	2	7
Updated Date	1	1	-	-		1	1	1			5	0	2	7
Creation Date	1	1	-	-		1	1	1			5	0	2	7
Registry Expiry Date	1	1	-	-		1	1	1			5	0	2	7
Registrar Registration Expiration Date	1	1	-	1		1	1	1			6	0	1	7
Registrar	1	1	-	1		1	1	1			6	0	1	7
Registrar IANA ID	1	1	-	-		1	1	1			5	0	2	7
Registrar Abuse Contact Email	1	1	1	-		1	1	1			6	0	1	7
Registrar Abuse Contact Phone	1	1	1	-		1	1	1			6	0	1	7
Reseller	1	1	-	1		1	1	1			6	0	1	7
Domain Status	1	1	-	-		1	1	1			5	0	2	7
Registry Registrant ID	-	-	-	-		-	-	1			1	0	6	7
Registrant Fields														
• Name	1	1	1	1		1	1	1			7	0	0	7
• Organization (opt.)	(1)	(1)	(1)	-		(1)	(1)	1			1	5	1	7
• Street	1	1	1	1		1	1	1			7	0	0	7
• City	1	1	1	1		1	1	1			7	0	0	7
• State/province	(1)	1	1	1		1	1	1			6	1	0	7
• Postal code	(1)	1	1	1		1	1	1			6	1	0	7
• Country	1	1	1	1		1	1	1			7	0	0	7
• Phone	1	1	1	1		1	(1)	(1)			5	2	0	7
• Phone-ext (opt.)	(1)	(1)	(1)	-		(1)	(1)	(1)			0	6	1	7
• Fax (opt.)	-	(1)	(1)	-		(1)	(1)	(1)			0	5	2	7
• Fax-ext (opt.)	-	(1)	(1)	-		(1)	(1)	-			0	4	3	7
• Email	1	1	1	1		1	1	1			7	0	0	7
2nd E-Mail address	-	-	-	-		-	-	(1)			0	1	6	7
Admin ID	-	-	-	-		-	-	-			0	0	7	7
Admin Fields														
• Name	1	1	(1)	-		1	-	(1)			3	2	2	7
• Organization (opt.)	(1)	(1)	(1)	-		(1)	-	(1)			0	5	2	7
• Street	1	1	(1)	-		1	-	(1)			3	2	2	7
• City	1	1	(1)	-		1	-	(1)			3	2	2	7
• State/province	(1)	1	(1)	-		1	-	(1)			2	3	2	7
• Postal code	(1)	1	(1)	-		1	-	(1)			2	3	2	7
• Country	1	1	(1)	-		1	-	(1)			3	2	2	7
• Phone	1	1	(1)	-		1	-	(1)			3	2	2	7
• Phone-ext (opt.)	(1)	(1)	(1)	-		(1)	-	-			0	4	3	6
• Fax (opt.)	-	(1)	(1)	-		(1)	-	(1)			0	4	3	7
• Fax-ext (opt.)	-	(1)	(1)	-		(1)	-	-			0	3	4	7
• Email	1	1	(1)	-		1	-	(1)			3	2	2	7
Tech ID	-	-	-	-		-	-	-			0	0	7	7
Tech Fields														
• Name	1	1	(1)	-		1	-	(1)			3	2	2	7
• Organization (opt.)	(1)	(1)	(1)	-		(1)	-	(1)			0	5	2	7
• Street	1	1	(1)	-		1	-	(1)			3	2	2	7
• City	1	1	(1)	-		1	-	(1)			3	2	2	7
• State/province	(1)	1	(1)	-		1	-	(1)			2	3	2	7
• Postal code	(1)	1	(1)	-		1	-	(1)			2	3	2	7
• Country	1	1	(1)	-		1	-	(1)			3	2	2	7
• Phone	1	1	(1)	-		1	-	(1)			3	2	2	7
• Phone-ext (opt.)	(1)	(1)	(1)	-		(1)	-	-			0	4	3	7
• Fax (opt.)	-	(1)	(1)	-		(1)	-	(1)			0	4	3	7
• Fax-ext (opt.)	-	(1)	(1)	-		(1)	-	-			0	3	4	7
• Email	1	1	(1)	-		1	-	(1)			3	2	2	7
Name Server	1	1	-	-		1	-	1			4	0	3	7
DNSSEC	1	1	-	-		1	-	1			4	0	3	7
Name Server IP Address	1	1	-	-		1	-	1			4	0	3	7
Last Update of Whois Database	1	1	-	-		1	-	1			4	0	3	7
Other Data:														
• Additional data elements as identified by Registry Operator in its registration policy, such as [i] status as Registry Operator Affiliate or Trademark Licensee [.MICROSOFT], [ii] membership in community [.ECO], [iii] licensing, registration or appropriate permits [.PHARMACY, .LAW] place of domicile [.NYC], [iv] business entity or activity [.BANK, .BOT]	-	-	-	-		-	-	1			1	0	6	7
• Field 2	-	-	-	-		-	-	-			0	0	7	7
• Field 3	-	-	-	-		-	-	-			0	0	7	7
• Field 4	-	-	-	-		-	-	-			0	0	7	7
• Field 5	-	-	-	-		-	-	-			0	0	7	7
1	35	41	11	13	0	41	20	28	0					
(0)	12	12	29	0	0	12	5	24	0					
-	16	10	24	51	0	10	38	10	0					

Should be collected
Optional Fields Only
Not selected for collection

415
416
417
418 In addition, the EPDP Team recommends that the following data elements are optional,
419 i.e., they may, but are not required to be provided by the Registered Name Holder:
420 technical contact name, email and phone number.[4] Furthermore, in accordance with
421 EDPB advice, registrars are to advise the Registered Name Holder at the time of
422 registration that the Registered Name Holder is free to (1) designate the same person as
423 the registrant (or its representative) as the technical contact; or (2) provide contact
424 information which does not directly identify the technical contact person concerned. [If

[4] The GAC representatives on the EPDP Team [others to be added as appropriate] are of the view that physical
address should also be requested by the registrar (but optional for the RNH to provide).

425   the Registered Name Holder elects to provide contact information for a technical
426   contact who does not have a direct contractual relationship with the registrar, the
427   registrar is required to redact or obtain all necessary consent from the technical contact
428   prior to publication].
429

430   **Question #2 for community input: Are the data elements recommended for registrar**
431   **collection necessary for the purposes identified and/or are any data elements missing**
432   **that are necessary to achieve the purposes identified? If so, please provide the**
433   **relevant rationale, keeping in mind compliance with the GDPR.**

434

435   Charter Question
436   c)   Transfer of data from registrar to registry:
437   c1) What data should registrars be required to transfer to the registry?
438   c2) What data is required to fulfill the purpose of a registry registering and
439   resolving a domain name?
440   c3) What data is transferred to the registry because it is necessary to deliver the
441   service of fulfilling a domain registration versus other legitimate purposes as
442   outlined in part (a) above?
443   c4) Is there a legal reason why registrars should not be required to transfer data
444   to the registries, in accordance with previous consensus policy on this point?
445   c5) Should registries have the option to require contact data or not?
446   c6) Is there a valid purpose for the registrant contact data to be transferred to
447   the registry, or should it continue to reside at the registrar?

448

449   EPDP Team considerations and deliberations in addressing the charter questions:
450   •   The EPDP Team considered both the input provided by each group in response
451   to the triage surveys as well as the input provided by each group in response to
452   the request for early input in relation to these questions.
453   •   For each of the purposes, the EPDP Team has identified where and which data is
454   required to be transferred from the registrar to registry for the purposes
455   identified above as well as the identified corresponding lawful basis – see the
456   data elements workbooks in Annex [include reference] for further details. Those
457   processing activities identified as having as a lawful basis under GDPR Art 6.1(b)
458   were considered by the EPDP Team to be necessary for the performance of a
459   contract, i.e., to deliver the service of fulfilling a domain registration.

460

461   **EPDP Team Preliminary Rec #5.**
462   The EPDP Team confirms that the specifically-identified data elements under
463   "[t]ransmission of registration data from Registrar to Registry" within the data elements
464   workbooks must be transferred from registrar to registry. These data elements are:
465   [include list following completion of work on data elements workbooks]

466

467   Charter Question
468   d)   Transfer of data from registrar/registry to data escrow provider:

469   d1) Should there be any changes made to the policy requiring registries and
470   registrars to transfer the data that they process to the data escrow provider?
471   d2) Should there be any changes made to the procedures for transfer of data
472   from a data escrow provider to ICANN Org?
473

474   EPDP Team considerations and deliberations in addressing the charter questions
475   •   The EPDP Team considered both the input provided by each group in response
476   to the triage surveys as well as the input provided by each group in response to
477   the request for early input in relation to these questions.
478   •   The EPDP Team considered Charter Question d1 and d2 in the context of the
479   purpose to provide mechanisms for safeguarding Registered Name Holders'
480   Registration Data and [agreed that only data elements collected for other
481   purposes identified herein should be considered for escrow as those elements
482   have been identified as necessary to meet the purpose].
483

484   EPDP Team Preliminary Rec #6.
485   1.   The EPDP Team recommends updates to the contractual requirements for registries
486   and registrars to transfer data that they process to the data escrow provider to
487   ensure consistency with the data elements workbooks workbook related to the
488   purpose to provide mechanisms for safeguarding Registered Name Holders'
489   Registration Data.
490

491   2.   The specifically-identified data elements the EPDP Team recommends to be
492   transferred are provided within the data elements workbook related to the purpose
493   to provide mechanisms for safeguarding Registered Name Holders' Registration Data
494   (see Annex [include reference]. These data elements are: [list data elements
495   following completion of escrow data elements workbooks].
496

497   3.   The EPDP Team recommends that GDPR-compliant data processing agreements are
498   entered into between ICANN Org and the data escrow providers.
499

500   Charter Question
501   e)   Transfer of data from registrar/registry to ICANN:
502   e1) Should there be any changes made to the policy requiring registries and
503   registrars to transfer the domain name registration data that they process to
504   ICANN Compliance, when required/requested?
505

506   EPDP Team considerations and deliberations in addressing the charter questions
507   • The EPDP Team considered both the input provided by each group in response
508   to the triage surveys as well as the input provided by each group in response to
509   the request for early input in relation to these questions.
510   • The EPDP Team discussed current requirements as well as future needs in
511   relation to contractual compliance and consulted with the ICANN Compliance
512   Team.
513
514   **EPDP Team Preliminary Rec #7.**
515   1. The EPDP Team recommends that updates are made to the contractual
516   requirements for registries and registrars to transfer the domain name
517   registration data that they process to ICANN Compliance when
518   required/requested in line with the data elements workbook related to the
519   purpose to handle contractual compliance monitoring requests, audits, and
520   complaints submitted by Registry Operators, Registrars, Registered Name
521   Holders, and other Internet users (see Annex [include reference].
522
523   2. The specifically-identified data elements the EPDP Team recommends to be
524   transferred are provided within the data elements workbook related to the
525   purpose to handle contractual compliance monitoring requests, audits, and
526   complaints submitted by Registry Operators, Registrars, Registered Name
527   Holders, and other Internet users (see Annex [include reference]). These data
528   elements are: [include following finalization of purpose F data elements
529   workbook].
530
531   **Question #3 for community input: Are there other data elements that are required to**
532   **be transferred between registrars and registries / escrow providers that are necessary**
533   **to achieve the purposes identified? If so, please provide the relevant rationale,**
534   **keeping in mind compliance with the GDPR.**
535
536   Charter Question
537   f)   Publication of data by registrar/registry:
538   f1) Should there be any changes made to registrant data that is required to be
539   redacted? If so, what data should be published in a freely accessible directory?
540   f2) Should standardized requirements on registrant contact mechanism be
541   developed?
542   f3) Under what circumstances should third parties be permitted to contact the
543   registrant, and how should contact be facilitated in those circumstances?
544
545   EPDP Team considerations and deliberations in addressing the charter questions
546   • The EPDP Team considered both the input provided by each group in response
547   to the triage surveys as well as the input provided by each group in response to
548   the request for early input in relation to these questions.

549   • In the context of the purpose concerning lawful access for legitimate third-party
550   interests (see Annex [include reference]), the EPDP Team considered both which
551   data elements are to be published in a freely accessible directory and which data
552   elements are to be redacted. As a starting point, the EPDP Team considered the
553   existing data-redaction list in the Temporary Specification (see Appendix A) and
554   specifically questioned redaction requirements for:
555   o Organization,
556   o City,
557   o Postal Code and
558   o Email Address.
559   • In the context of the Organization field, the EPDP Team noted there is currently
560   no consistency in relation to how that field is used by the Registered Name
561   Holder. Furthermore, assuming that the intent of that field is to denote a legal
562   person, the EPDP Team considered the importance of obtaining clarification in
563   relation to the liability should a Registered Name Holder still choose to provide
564   personally identifiable information within the Organization field. As such, the
565   group will seek information regarding other GDPR-compliant regimes and input
566   from DPAs regarding how similar data fields are handled. Following this
567   clarification, the EPDP Team may review the recommendation below in relation
568   to the organization data element.
569   • In the context of postal code and city, the EPDP Team discussed the role these
570   data elements might play in narrowing down jurisdiction, but also observed that
571   this information may also be obtained under the purpose to provide mechanisms
572   for safeguarding Registered Name Holders' Registration Data.
573   • In relation to email communication, the EPDP Team considers that [to be
574   completed].
575

576   **EPDP Team Preliminary Rec #8.**
577   The EPDP Team recommends that redaction must be applied as follows to the data
578   elements that are collected. Data elements not redacted must appear in a freely
579   accessible directory:
580

Data Element	Redacted
Domain Name	No
Registrar Whois Server	No
Registrar URL	No
Updated Date	No
Creation Date	No
Registry Expiry Date	No
Registrar Registration Expiration Date	No
Registrar	No
Registrar IANA ID	No

Data Element	Redacted
Registrar Abuse Contact Email	No
Registrar Abuse Contact Phone	No
Reseller	No
Domain Status	No
Registrant Fields	
• Name	Yes
• Organization (opt.)	No
• Street	Yes
• City	Yes[5]
• State/province	No
• Postal code	Yes
• Country	No[6]
• Phone	Yes
• Email	No[7]
Tech Fields	
• Name	Yes
• Phone	Yes
• Email	No
NameServer(s)	No
DNSSEC	No
Name Server IP Address	No
Last Update of Whois Database	No

581
582 **EPDP Team Preliminary Rec #9.**
583 The EPDP Team recommends that registrars provide further guidance to a Registered
584 Name Holder concerning the information that is to be provided within the Organization
585 field.
586
587 **EPDP Team Preliminary Rec #10.**
588 In relation to facilitating email communication, the EPDP Team recommends that
589 [current requirements in the Temporary Specification which specify that a Registrar
590 MUST provide an email address or a web form to facilitate email communication with
591 the relevant contact, but MUST NOT identify the contact email address or the contact
592 itself, remain in place / Other to be decided].
593

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[5] The IPC and BC representatives on the EPDP Team are of the view that this data element should be unredacted.
[6] Idem
[7] Per the current temp spec requirement: 2.5.1. Registrar MUST provide an email address or a web form to facilitate email communication with the relevant contact, but MUST NOT identify the contact email address or the contact itself.

594 **Question #4 for community input: Are there any changes that the EPDP Team should**
595 **consider in relation to the redaction of data elements? If so, please provide the**
596 **relevant rationale, keeping in mind compliance with the GDPR.**

597
598 Charter Question
599 g)   Data retention:
600   g1) Should adjustments be made to the data retention requirement (life of the
601   registration + 2 years)?
602   g2) If not, are changes to the waiver process necessary?
603   g3) In light of the EDPB letter of 5 July 2018, what is the justification for retaining
604   registration data beyond the term of the domain name registration?

605
606 EPDP Team considerations and deliberations in addressing the charter questions
607   •   The EPDP Team considered both the input provided by each group in response
608   to the triage surveys as well as the input provided by each group in response to
609   the request for early input in relation to these questions.
610   •   In addition, the EPDP Team reviewed the feedback that the European Data
611   Protection Board provided in relation to data retention and took specific note of
612   the following:

613
614   "personal data shall be kept in a form which permits identification of data
615   subjects for no longer than is necessary for the purposes for which the
616   personal data are processed (article 5(2) GDPR). This is a matter which
617   has already been addressed repeatedly by both the WP29 and the
618   EDPS.19 It is for ICANN to determine the appropriate retention period,
619   and it must be able to demonstrate why it is necessary to keep personal
620   data for that period. So far ICANN is yet to demonstrate why each of the
621   personal data elements processed in the context of WHO IS must in fact
622   be retained for a period of 2 years beyond the life of the domain name
623   registration. The EDPB therefore reiterates the request ICANN to re-
624   evaluate the proposed retention period of two years and to explicitly
625   justify and document why it is necessary to retain personal data for this
626   period in light of the purposes pursued"[8].

627
628   •   For each of the purposes, the EPDP Team has identified in the data elements
629   workbooks in Annex [include reference] the desired data retention period,
630   including a rationale for why data needs to be retained for that period.

631
632 **EPDP Team Preliminary Rec #11.**
633 [The EPDP Team recommends that Registrars are required to retain the herein-specified
634 data elements for a period of one year following the life of the registration. This

---

[8] See https://www.icann.org/en/system/files/correspondence/jelinek-to-marby-05jul18-en.pdf

635 retention period conforms to the specific statute of limitations within the Transfer
636 Dispute Resolution Policy ("TDRP"). Other relevant parties, including Registries, escrow
637 providers and ICANN Compliance, have separate retention periods less than or equal to
638 one year accordingly and in line with the GDPR requirements.]
639

640 **Question #5 for community input: Are there any changes that the EPDP Team should**
641 **consider in relation to the data retention periods recommended? If so, please provide**
642 **the relevant rationale, keeping in mind compliance with the GDPR.**
643

644 Charter Question
645 h)   Applicability of Data Processing Requirements
646   h1) Should Registry Operators and Registrars ("Contracted Parties") be permitted
647   or required to differentiate between registrants on a geographic basis?
648   h2) Is there a legal basis for Contracted Parties to differentiate between
649   registrants on a geographic basis?
650   h3) Should Contracted Parties be allowed or required to treat legal and natural
651   persons differently, and what mechanism is needed to ensure reliable
652   determination of status?
653   h4) Is there a legal basis for Contracted Parties to treat legal and natural persons
654   differently?
655   h5) What are the risks associated with differentiation of registrant status as legal
656   or natural persons across multiple jurisdictions? (See EDPB letter of 5 July 2018).
657

658 EPDP Team considerations and deliberations in addressing the charter questions
659   •   The EPDP Team considered both the input provided by each group in response
660   to the triage surveys as well as the input provided by each group in response to
661   the request for early input in relation to these questions.
662   •   In relation to question h1, the EPDP Team agrees that contracted parties should
663   be (and are) permitted to differentiate between registrants on a geographic
664   basis; however, the EPDP Team does not agree that differentiation on a
665   geographic basis should be required. Specifically, members of the BC, IPC and
666   GAC [add others as appropriate] have expressed the view that contracted parties
667   should be required to differentiate between registrants on a geographic basis.
668   The Members expressing support for requiring differentiation between
669   registrants on a geographic basis noted the following:
670   1. When GDPR was adopted, the global nature of the DNS was not taken into
671   account. It therefore may be shortsighted to just focus on GDPR.
672   2. Applying GDPR to all registrants would undermine the ability of sovereign
673   states to enforce their own laws and regulations within their respective
674   jurisdictions.

3. Businesses are generally required to take into account local laws when choosing to do business with various countries; therefore, cost is not necessarily a persuasive argument to not require differentiation.

The Members opposing requiring differentiation between registrants on a geographic basis noted the following:

1. The actual location of the registrant is not alone dispositive of whether GDPR applies especially because of the widespread industry use of additional processors (e.g., backend registry service providers for registry operators and backend registrar service providers and resellers). For example, if a registry operator that is not subject to GDPR is using a European registry service provider as a data processor, that registry service provider has to comply with GDPR. If a registrar that is not subject to GDPR has a reseller that is subject to GDPR, either because it is located in Europe or offers services to European data subjects, that registrar would need to comply with GDPR. If a registrar uses another registrar as a service provider to run the technical operations of its registrar business, the same complexity exists.

2.   The actual location of the registrant is not alone dispositive of whether GDPR applies especially because of the widespread industry use of additional processors (e.g., backend registry service providers for registry operators and backend registrar service providers and resellers).

3. Data subjects need to be informed at the time of collection about how their personal data is being processed, i.e., what data is collected, to whom it is transferred, how long it is stored, etc. Not having a common approach for all registrants could lead to two classes of registrants, which may result in competitive advantages to certain registrars/registries (due to their establishment in jurisdictions with privacy protection), fragmentation in the marketplace and interoperability issues.

4. It is often difficult to identify a registrant's applicable jurisdiction with sufficient certainty to apply appropriate data protection rules. A differentiated treatment based on geographic location has a high likelihood of an adverse effect on the data subject's data privacy rights through publication.

5. There are significant liability implications for Contracted Parties if they are incorrect in applying the appropriate data protection rules. Contracted parties should be free to choose whether or not to take that risk as a business decision rather than a contractual requirement."

6. Any consensus policy needs to be commercially reasonable and implementable, and in the current market place, differentiation based on geographic location will be difficult to scale, costly, and, accordingly, neither commercially reasonable nor implementable.

- In relation to question h2, the EPDP Team agreed that there is a legal basis for contracted parties to differentiate b/w registrants on a geographic basis.

718 However, the location of the registrant alone is not a dispositive indicator if the
719 GDPR applies. If the controller or any processor is within the EU, the GDPR will
720 also apply.
721 Members of the BC [add others as appropriate] have requested ICANN, in
722 conjunction with interested community members, explore the feasibility of a
723 mechanism allowing geographic differentiation (such as the EWG rules engine).
724 [Other members of Small Team #2 did not agree to this request – to be updated,
725 as appropriate.]
726 Although the law does distinguish between EEA and non EEA data, any policy
727 must be feasible and implementable. Given the current system and taking into
728 account current technology and policy expectations, the inability to differentiate
729 such data to any level of certainty, and prohibitively high implementation costs,
730 liability risk remains too high, rendering a forced differentiation unenforceable
731 and unimplementable.
732 • In relation to questions h3 and h5, the EPDP Team agrees that contracted parties
733 should be allowed to treat legal and natural persons differently but the
734 mechanism by which this should or can be done should be further explored.
735 Furthermore, the EPDP Team noted that under GDPR, there is a legal basis for
736 doing so. While the focus of this EPDP is GDPR compliance, the EPDP Team did
737 note that not all jurisdictions have this same distinction, so any policy
738 recommendations would need to be flexible enough to take this into account.
739 • In relation to question h5, the EPDP Team observed that the main risk seems to
740 be that while legal persons don't have the same protections under GDPR, natural
741 persons employed by a legal person (and who may be designated as the
742 registrant, admin or technical contact) are still natural persons with
743 rights/protection under GDPR. This risk may be minimized through educational
744 resources as recommended below. [risks to be further fleshed out].
745
746 **EPDP Team Preliminary Rec #12.**
747 The EPDP Team recommends that:
748 • The distinction between legal and natural persons is useful and necessary for GDPR
749 and some other data protection laws.
750 o However, the EPDP Team recognizes that there are challenges in making this
751 distinction in the context of domain name registrations as well as the potential
752 implementation of any new functionality that would apply to pre-existing
753 registrations.
754 o Additionally, other jurisdictions may have other categories of protected groups
755 or other requirements that would need to be factored in.
756
757 **EPDP Team Preliminary Rec #13.**
758 • The EPDP Team recommends that GDD staff who will be tasked with the
759 implementation of these policy recommendations commence research by
760 investigating how ccTLDs and contracted parties currently distinguish between
761 natural and legal persons to inform the EPDP Team. This research is being

762 authorized by this Initial Report and can start at the earliest convenience of the GDD
763 staff.
764

765 • Following the receipt of the research, the EPDP Team will explore in a timely manner
766 how this distinction can be made in the context of domain name registrations in a
767 satisfactory way.
768   o The EPDP Team should also consider the timeline needed to implement, which
769   could follow a phased approach whereby implementation would start
770   immediately following completion of the further work and agreement on a
771   satisfactory manner to distinguish between legal and natural persons for new
772   registrations while existing registrations would be phased in upon renewal or by
773   other means.
774   o The EPDP Team should also consider which data fields (if any) need to be added
775   to accomplish this distinction. This could require further liaising with the IETF if
776   data fields in RDAP need to be added or changed.
777

778 **EPDP Team Preliminary Rec #14.**
779 • The EPDP Team recommends that, as a best practice, registries, registrars and
780   ICANN each develop (educational) resources available that help registrants
781   understand the distinction between a domain name that is registered by a natural
782   person vs. legal person / entity. These resources and communications should also
783   encourage legal persons to provide non-personal information for their email address
784   and other contact information.
785

786 **Question #6 for community input: Are there any other aspects in relation to natural**
787 **vs. legal person as well as geographic application that the EPDP Team should**
788 **consider? If so, please provide the relevant rationale as well as how this would affect**
789 **possible recommendations in these areas, keeping in mind compliance with the GDPR.**
790

791 i)   Transfer of data from registry to Emergency Back End Registry Operator ("EBERO")
792   i1) Consider that in most EBERO transition scenarios, no data is actually
793   transferred from a registry to an EBERO. Should this data processing activity be
794   eliminated or adjusted?
795

796 EPDP Team considerations and deliberations in addressing the charter questions
797 • The EPDP Team considered both the input provided by each group in response
798   to the triage surveys as well as the input provided by each group in response to
799   the request for early input in relation to these questions.
800 • [Update following the completion of the data elements workbook for purpose E -
801   EBERO]
802

803 **EPDP Team Preliminary Rec #15.**
804 The EPDP Team recommends that [update following completion of workbook for
805 purpose E – EBERO]
806
807 Charter Question
808 j). Temporary Specification and Reasonable Access
809   j1) Should existing requirements in the Temporary Specification remain in place
810   until a model for access is finalized?
811   A. If so:
812   1. Under Section 4 of Appendix A of the Temporary Specification, what
813   is meant by "reasonable access" to Non-Public data?
814   2. What criteria must Contracted Parties be obligated to consider in
815   deciding whether to disclose non-public Registration data to an outside
816   party requestor (i.e. whether or not the legitimate interest of the outside
817   party seeking disclosure are overridden by the interests or fundamental
818   rights or freedoms of the registrant)?
819   B. If not:
820   1. What framework(s) for disclosure could be used to address (i) issues
821   involving abuse of domain name registrations, including but not limited
822   to consumer protection, investigation of cybercrime, DNS abuse and
823   intellectual property protection, (ii) addressing appropriate law
824   enforcement needs, and (iii) provide access to registration data based on
825   legitimate interests not outweighed by the fundamental rights of relevant
826   data subjects?
827   j2) Can the obligation to provide "reasonable access" be further clarified and/or
828   better defined through the implementation of a community-wide model for
829   access or similar framework which takes into account at least the following
830   elements:
831   1. What outside parties / classes of outside parties, and types of uses of non-
832   public Registration Data by such parties, fall within legitimate purposes and legal
833   basis for such use?
834   2. Should such outside parties / classes of outside parties be vetted by ICANN
835   in some manner and if so, how?
836   3. If the parties should not be vetted by ICANN, who should vet such parties?
837   4. In addition to vetting the parties, either by ICANN or by some other body or
838   bodies, what other safeguards should be considered to ensure disclosure of Non-
839   Public Personal Data is not abused?
840
841 EPDP Team considerations and deliberations in addressing the charter questions
842   • The EPDP Team considered both the input provided by each group in response to the
843   triage surveys as well as the input provided by each group in response to the request for
844   early input in relation to these questions.
845

846   **EPDP Team Preliminary Rec #16.**
847   The EPDP Team recommends that the current requirements in the Temporary
848   Specification in relation to reasonable access remain in place until work on a system for
849   Standardized Access to Non-Public Registration Data has been completed, noting that
850   the term should be modified to refer to "parameters for responding to lawful disclosure
851   requests." Furthermore, the EPDP Team recommends that criteria around the term
852   "reasonable" are further explored as part of the implementation of these policy
853   recommendations addressing:
854   o [Practicable]* timelines criteria for responses to be provided by
855   Contracted Parties;
856   o Format by which requests should be made and responses are provided;
857   o Communication/Instructions around how and where requests should be
858   submitted;
859   o Requirements for what information responses should include (for
860   example, auto-acknowledgement of requests and rationale for rejection
861   of request);
862   o Logging of requests.
863
864   [*Some concern expressed that timeliness that should not be translated into
865   requirements that are impractical for contracted parties]
866

867   **Question #7 for community input: Are there any changes that the EPDP Team should**
868   **consider in relation to its recommendations in relation to "reasonable access"? If so,**
869   **please provide the relevant rationale, keeping in mind compliance with the GDPR.**

870
871   **Part 3: Data Processing Terms**
872
873   k) ICANN's responsibilities in processing data
874   k1) For which data processing activities undertaken by registrars and registries as
875   required by the Temporary Specification does ICANN determine the purpose and
876   means of processing?
877   k2) In addition to any specific duties ICANN may have as data controller, what
878   other obligations should be noted by this EPDP Team, including any duties to
879   registrants that are unique and specific to ICANN's role as the administrator of
880   policies and contracts governing gTLD domain names?
881
882   l) Registrar's responsibilities in processing data
883   l1) For which data processing activities required by the Temporary Specification
884   does the registrar determine the purpose and means of processing?
885   l2) Identify a data controller and data processor for each type of data.
886   l3) Which registrant data processing activities required by the Temporary
887   Specification do registrars undertake solely at ICANN's direction?
888   l4) What are the registrar's responsibilities to the data subject with respect to
889   data processing activities that are under ICANN's control?

890
891   m)   Registry's responsibilities in processing data
892   m1) For which data processing activities required by the Temporary Specification
893   does the registry determine the purpose and means of processing?
894   m2) Which data processing activities required by the Temporary Specification
895   does the registry undertake solely at ICANN's direction?
896   m3) Are there processing activities that registries may optionally pursue?
897   m4) What are the registry's responsibilities to the data subject based on the
898   above?
899
900   EPDP Team considerations and deliberations in addressing the charter questions
901   •   The EPDP Team considered both the input provided by each group in response
902   to the triage surveys as well as the input provided by each group in response to
903   the request for early input in relation to these questions.
904   •   Through its work on the data elements workbooks, the EPDP Team has identified
905   the following for each of the purposes: (1) responsible party/parties, and (2)
906   which party/parties is/are involved in the relevant processing steps, see Annex
907   [include reference].
908   •   The EPDP Team considered that the GDPR states that:
909
910   "'[C]ontroller' means the natural or legal person, public authority, agency or
911   other body which, alone or jointly with others, determines the purposes and
912   means of the processing of personal data; where the purposes and means of
913   such processing are determined by Union or Member State law, the
914   controller or the specific criteria for its nomination may be provided for by
915   Union or Member State law;
916   '[P]rocessor' means a natural or legal person, public authority, agency or
917   other body which processes personal data on behalf of the controller;
918   (…)
919   Joint Controllers –
920   1. Where two or more controllers jointly determine the purposes and means
921   of processing, they shall be joint controllers. They shall in a transparent
922   manner determine their respective responsibilities for compliance with the
923   obligations under this Regulation, in particular as regards the exercising of
924   the rights of the data subject and their respective duties to provide the
925   information referred to in Articles 13 and 14, by means of an arrangement
926   between them unless, and in so far as, the respective responsibilities of the
927   controllers are determined by Union or Member State law to which the
928   controllers are subject. The arrangement may designate a contact point for
929   data subjects.
930   2. The arrangement referred to in paragraph 1 shall duly reflect the
931   respective roles and relationships of the joint controllers vis-à-vis the data
932   subjects. The essence of the arrangement shall be made available to the data
933   subject.

934   3. Irrespective of the terms of the arrangement referred to in paragraph 1,
935   the data subject may exercise his or her rights under this Regulation in
936   respect of and against each of the controllers."
937

938   •   Furthermore, the EPDP Team considered that:
939

940   "Where two or more controllers determine the purposes and means of
941   processing, they are joint controllers (Article 26). Under the GDPR joint
942   controllers have to determine their respective responsibilities for legal
943   compliance and rights of data subjects in a transparent manner. They can do
944   so for example in a clear contractual arrangement.
945

946   The arrangement needs to reflect the roles and relationships between the
947   joint controllers and made available to data subjects. A data subject may
948   exercise his or her rights against each of the controllers. Each data controller
949   is individually liable for legal compliance under Article 82. After providing
950   remedies to data subjects, a joint controller may claim its losses from other
951   joint controllers or processors, if applicable, according to its roles and
952   responsibilities in the processing at stake".[9]
953

954   •   Similarly, the EPDP Team considered the lawfulness of processing as stated in
955   the GDPR, specifically the following lawful basis:
956

957   "(a) the data subject has given consent to the processing of his or her
958   personal data for one or more specific purposes;
959

960   (b) processing is necessary for the performance of a contract to which the
961   data subject is party or in order to take steps at the request of the data
962   subject prior to entering into a contract;
963

964   (…)
965

966   (f) processing is necessary for the purposes of the legitimate interests
967   pursued by the controller or by a third party, except where such interests are
968   overridden by the interests or fundamental rights and freedoms of the data
969   subject which require protection of personal data, in particular where the
970   data subject is a child.[10]"
971

972   •   As noted below, there was some disagreement within the EPDP Team in relation
973   to when Art. 6(1)b applies; namely, does the reference 'to which the data subject

---

[9] see https://www.futurelearn.com/courses/general-data-protection-regulation/0/steps/32432
[10] See https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN

974	is party' limit the use of this lawful basis to registrars only as they have the direct
975	contractual relationship with the Registered Name Holder? Similarly, in relation
976	to Art. 6(1)(b), questions arose regarding how to apply "necessary for the
977	performance of a contract"; specifically, does this clause solely relate to the
978	registration and activation of a domain, or, alternatively, could related activities
979	such as fighting DNS abuse also be considered necessary for the performance of
980	a contract? The EPDP Team plans to put these questions forward to the
981	European Data Protection Board (EDPB) to obtain further clarity in order to help
982	inform its deliberations.
983	
984	**EPDP Team Preliminary Rec #17.**
985	The EPDP Team recommends that the policy includes the following data processing
986	activities as well as responsible parties:
987	
988	

ICANN PURPOSE:

As subject to Registry and Registrar terms, conditions and policies, and ICANN Consensus Policies:

- To establish the rights of a Registered Name Holder in a Registered Name; to ensure that a Registered Name Holder may exercise its rights in the use and disposition of the Registered Name; and
- To activate a registered name and allocate it to a Registered Name Holder.

Processing Activity	Responsible Party:	Lawful Basis:
Collection	ICANN – Joint Controller Registrars – Joint Controller Registries – Joint Controllers	6(1)(b) for Registrars 6(1)(f) for Registries[11]
Transmission from Rr to Ry	ICANN – Joint Controller Registrars – Processor Registries – Joint Controllers	Certain data elements (domain name and nameservers) would be required to be transferred from the Registrar to Registry. The lawful basis would be 6(1)b, should personal data be involved. For other data elements, Art. 6(1)(f) of the GDPR.[12]

[11] Members of the BC and IPC expressed the view that Purpose A is 6(1)(b) for all processing activities, including Registries checking on patterns of abuse as protecting against abuse is considered necessary for performance of a contract.

[12] Idem

Disclosure	ICANN - Controller Registrars – Processor	Activation of the domain name registration in the DNS requires disclosure of certain data elements, namely domain name and name servers. The lawful basis would be 6(1)b, should personal data be involved.
Data Retention	ICANN - Controller Registrar - Processor	6(1)(f)

989

ICANN PURPOSE:
Maintaining the security, stability and resiliency of the Domain Name System In accordance with ICANN's mission through the enabling of lawful access for legitimate third-party interests to data elements collected for other purposes identified herein.

Processing Activity	Responsible Party:	Lawful Basis:
Collection	ICANN – Controller Registrars – Controller Registries – Controller	6(1)(f)
Transmission from Rr to Ry	N/A	N/A
Disclosure	ICANN – Controller Registrar – Controller Registry - Controller	6(1)(f)
Data Retention	ICANN - Controller Registrar – Processor	6(1)(f)

990

ICANN PURPOSE:
Enable communication with and/or notification to the Registered Name Holder and/or their delegated agents of technical and/or administrative issues with a Registered Name

Processing Activity	Responsible Party:	Lawful Basis:
Collection	ICANN - Joint Controller Registrar - Joint Controller Registries - Joint controller	6(1)(b) for Registrars 6(1)(f) for Registries
Transmission from Rr to Ry	ICANN – Joint Controller Registrars – Processor Registries – Joint Controllers	6(1)(f)
Disclosure	TBD	

Data Retention	ICANN - Controller	6(1)(f)

991

ICANN PURPOSE:
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

Processing Activity	Responsible Party:	Lawful Basis
Collection	ICANN – Sole Controller Registrars - Processor	6(1)(f)[13]
Transmission from Rr to Ry	ICANN - Controller Registrars – Processor Data Escrow Agent - Processor	6(1)(f)
Disclosure	ICANN - Controller Registrars - Processor	6(1)(f)
Data Retention	ICANN - Controller Data Escrow Agent - Processor	6(1)(f)

992

ICANN PURPOSE:
Handle contractual compliance monitoring requests, audits, and complaints submitted by Registry Operators, Registrars, Registered Name Holders, and other Internet users.

Processing Activity	Responsible Party:	Lawful Basis:
Collection	ICANN – Controller Registries - Processor Registrars - Processor	6(1)(f)[14]
Transmission from Rr to Ry	ICANN – Controller Registries - Processor Registrars - Processor	6(1)(f)
Disclosure	N/A	

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[13] The BC and IPC expressed the view that collection for this purpose would use 6(1)(b) as a lawful basis because safeguarding registrants in the event of business failure is necessary for the performance of the contract, and a registrant would expect their data to be escrowed accordingly.

[14] Most agreed that 6(1)(f) is an appropriate lawful basis for the compliance purpose; some (BC and IPC representatives) believe that 6(1)(b) may also apply. Some concerns were expressed that 6(1)(f) may cause issues where the controller determines that the privacy rights outweigh the legitimate interest and therefore data cannot be provided.

Data Retention	ICANN - Controller	6(1)(f)

993

ICANN PURPOSE:
Coordinate the development and implementation of policies for resolution of disputes regarding the registration of domain names

Processing Activity	Responsible Party:	Lawful Basis:
Collection	ICANN – Controller Registrars - Processor	6(1)(b) for Registrars 6(1)(f) for Registries
Transmission from Rr to Ry	ICANN – Controller Registries - Processor Registrars - Processor	6(1)(b) for Registrars 6(1)(f) for Registries
Transmission to dispute resolution providers	ICANN - Controller Registries - Processor Registrars – Processor Dispute Resolution Provider – Processor	6(1)(f)
Disclosure		
Data Retention		

994

ICANN PURPOSE:
Enabling validation of Registered Name Holder satisfaction (fulfillment) of gTLD registration policy eligibility criteria.

Processing Activity	Responsible Party:	Lawful basis:
Collecting specific data for Registry Agreement-mandated eligibility requirements	ICANN – Joint Controller Registries – Joint Controllers Registrars – Processor	6(1)(b) for Registrars 6(1)(f) for Registries
Collecting specific data for Registry Operator-adopted eligibility requirements	ICANN – Not Involved Registry - Sole Controller Registrar - Processor	6(1)(b) for Registrars 6(1)(f) for Registries

Transmission from Rr to Ry RA-mandated eligibility requirements	ICANN - Joint Controller Registry - Joint Controller Registrar - Processor	6(1)(b) for Registrars 6(1)(f) for Registries
Transmission from Rr to Ry Registry-adopted eligibility requirements	ICANN - Not Involved Registry - Sole Controller Registrar - Processor	6(1)(b) for Registrars 6(1)(f) for Registries
Disclosure	TBD	
Data Retention	TBD	

995
996 **EPDP Team Preliminary Rec #18.**
997 [The EPDP Team recommends that identification of Data Controllers & Processors or
998 other recommendations made in this report will not affect "No Third-Party Beneficiary"
999 clauses in existing ICANN-Contracted Party agreements.]
1000

1001 **Question #8 for community input: Are there any changes that the EPDP Team should**
1002 **consider in relation to the responsibility designations as well as lawful basis**
1003 **identified? If so, please provide the relevant rationale, keeping in mind compliance**
1004 **with the GDPR.**

1005
1006 **Part 4: Updates to Other Consensus Policies**
1007
1008 Charter Question
1009 n)   URS
1010   n1) Should Temporary Specification language be confirmed, or are additional
1011   adjustments needed?
1012
1013 o)   UDRP
1014   o1) Should Temporary Specification language be confirmed, or are additional
1015   adjustments needed?
1016
1017 EPDP Team considerations and deliberations in addressing the charter questions
1018   • The EPDP Team considered both the input provided by each group in response to the
1019   triage surveys as well as the input provided by each group in response to the request for
1020   early input in relation to these questions.
1021   • The EPDP Team noted that as of the Team's deliberations, no significant issues
1022   have been reported in relation to the functioning and operation of the URS and

1023   UDRP following the adoption of the Temporary Specification. The EPDP Team
1024   also took note of the fact that an existing GNSO PDP WG, namely the Review of
1025   All Rights Protection Mechanisms in All gTLDs (RPMs) PDP WG, is currently
1026   tasked with reviewing the URS and UDRP and is expected to factor in any
1027   changes resulting from GDPR requirements.
1028   •   The EPDP Team observed that the reference in the Temporary Specification to 'in
1029   another mechanism' was unclear. As such, this language should be clarified,
1030   possibly by adding 'determined by the EPDP Team' to clarify that the EPDP Team
1031   may develop or recommend as part of its discussions on a standardized access
1032   framework (once the Charter's gating questions have been addressed) another
1033   mechanism by which full Registration Data is expected to be made available by
1034   the Registry Operator.
1035
1036   **EPDP Team Preliminary Rec #19.**
1037   The EPDP Team recommends that for the new policy on gTLD registration data, the
1038   requirements of the Temporary Specification are maintained in relation to URS and
1039   UDRP until such time as these are superseded by recommendations from the RPMs PDP
1040   WG (if any).
1041
1042   **EPDP Team Preliminary Rec #20.**
1043   The EPDP Team recommends that the GNSO Council instructs the review of all RPMs
1044   PDP WG to consider, as part of its deliberations, whether there is a need to update
1045   existing requirements to clarify that a complainant must only be required to insert the
1046   publicly-available RDDS data for the domain name(s) at issue in its initial complaint. The
1047   EPDP Team also recommends the GNSO Council to instruct the RPMs PDP WG to
1048   consider whether upon receiving updated RDDS data (if any), the complainant must be
1049   given the opportunity to file an amended complaint containing the updated respondent
1050   information.
1051
1052   **EPDP Team Preliminary Rec #21.**
1053   The EPDP Team requests that when the EPDP Team commences its deliberations on a
1054   standardized access framework, a representative of the RPMs PDP WG shall provide an
1055   update on the current status of deliberations so that the EPDP Team may determine
1056   if/how the WG's recommendations may affect consideration of the URS and UDRP in
1057   the context of the standardized access framework deliberations.
1058
1059   **EPDP Team Preliminary Rec #22.**
1060   The EPDP Team recommends that ICANN Org should enter into data processing
1061   agreements with dispute resolution providers in which, amongst other items, the data
1062   retention period is specifically addressed, as this will affect the ability in having publicly-
1063   available decisions.
1064

1065 **Question #9 for community input: Are there any changes that the EPDP Team should**
1066 **consider in relation to the URS and UDRP that have not already been identified? If so,**
1067 **please provide the relevant rationale, keeping in mind compliance with the GDPR.**
1068
1069 Charter Question
1070 p) Transfer Policy
1071   p1) Should Temporary Specification language be confirmed or modified until a
1072   dedicated PDP can revisit the current transfer policy?
1073   p2) If so, which language should be confirmed, the one based on RDAP or the
1074   one based in current WHOIS?
1075
1076 EPDP Team considerations and deliberations in addressing the charter questions
1077   • The EPDP Team considered both the input provided by each group in response
1078   to the triage surveys as well as the input provided by each group in response to
1079   the request for early input in relation to these questions.
1080   • The EPDP Team noted that as of the Team's deliberations, no significant issues
1081   have been reported in relation to the functioning and operation of the Transfer
1082   Policy, although some indicated that based on anecdotal evidence, the number
1083   of hijacking incidents may have gone down as the result of the registrant email
1084   address no longer being published, while others pointed to increased security
1085   risks as a result of those changes.
1086   • The EPDP Team also took note of the fact that a review of the Transfer Policy has
1087   commenced which, in addition to including an overall review of the Transfer
1088   Policy, also includes additional information as to how the GDPR and the
1089   Temporary Specification requirements have affected inter-registrar transfers.
1090
1091 **EPDP Team Preliminary Rec #23.**
1092 The EPDP Team recommends that for the new policy on gTLD registration data, the
1093 requirements of the Temporary Specification are maintained in relation to the Transfer
1094 Policy until such time these are superseded by recommendations that may come out of
1095 the Transfer Policy review that is being undertaken by the GNSO Council.
1096
1097 **EPDP Team Preliminary Rec #24.**
1098 The EPDP Team recommends that the GNSO Council, as part of its review of the Transfer
1099 Policy, specifically requests the review of the implications, as well as adjustments, that
1100 may be needed to the Transfer Policy as a result of GDPR.
1101
1102 **Question #10 for community input: Are there any changes that the EPDP Team should**
1103 **consider in relation to the URS and UDRP that have not already been identified? If so,**
1104 **please provide the relevant rationale, keeping in mind compliance with the GDPR.**
1105
1106 Charter Question
1107 q) Sunsetting WHOIS Contractual Requirements

1108
1109
1110
1111
1112

q1) After migration to RDAP, when can requirements in the Contracts to use WHOIS protocol be eliminated?
q2) If EPDP Team's decision includes a replacement directory access protocol, such as RDAP, when can requirements in the Contracts to use WHOIS protocol be eliminated?

1113

1114 **Other recommendations**

1115

1116 **EPDP Team Preliminary Rec #25.**
1117 The EPDP Team recommends that ICANN Org enters into the required data protection
1118 agreements such as a Data Processing Agreement (GDPR Art. 28) or Joint Controller
1119 Agreement (Art. 26), as appropriate, with other entities involved in registration data
1120 processing such as Contracted Parties, data escrow providers and EBERO providers.
1121 These agreements are expected to set out the relationship obligations and instructions
1122 for data processing between the different parties.

1123

1124 **EPDP Team Preliminary Rec #26.**
1125 [The EPDP Team recommends that as part of the implementation of these policy
1126 recommendations, updates are made to the following existing policies / procedures, and
1127 any others that may have been omitted, to ensure consistency with these policy
1128 recommendations as a number of these refer to administrative and/or technical contact
1129 which will no longer be required data elements:

1130

1131   • Registry Registration Data Directory Services Consistent Labeling and Display
1132   Policy
1133   • Thick WHOIS Transition Policy for .COM, .NET, .JOBS
1134   • Rules for Uniform Domain Name Dispute Resolution Policy
1135   • WHOIS Data Reminder Policy
1136   • Transfer Policy
1137   • Uniform Rapid Suspension System (URS) Rules]

1138 **Implementation**

1139

1140 [Although the objective is to keep the timeframe for implementation to a minimum,
1141 additional time will be necessary to implement these policy recommendations. As such,
1142 the EPDP Team is considering how to avoid a gap between the adoption of these policy
1143 recommendations by the ICANN Board and the subsequent implementation, noting the
1144 impending expiration of the Temporary Specification requirements. The EPDP Team is
1145 considering various options, such as the adoption of an interim policy in the form of the
1146 Temporary Specification for a set timeframe or recommending that the Temporary
1147 Specification requirements remain in place until the completion of implementation of
1148 these policy recommendations. The EPDP Team expects to obtain further guidance from
1149 ICANN Org on the options in this regard and make a recommendation accordingly in the
1150 Final Report.]

1151
1152   **EPDP Team's Policy Change Impact Analysis**
1153   [If the WG concludes with any recommendations, the EPDP must include a policy impact
1154   analysis and a set of metrics to measure the effectiveness of the policy change, including
1155   source(s) of baseline data for that purpose (from the EPDP Team Charter:
1156

1157   ■   Determine the policy goals for this exercise, within the parameters set by the
1158   Temporary Interim Specification.

1159   ■   Identify potential policy goals that were omitted in the Temporary Specification
1160   and set aside for further Council deliberation.

1161   ■   Determine a set of questions which, when answered, provide the insight necessary
1162   to achieve the policy goals.

1163   ■   Determine the types of data that may assist the WG in better scoping the issues
1164   and identify whether it can be collected within the timeframe, and assemble or
1165   substitute information that can be analyzed to help answer each question.

1166   ■   Determine a set of metrics which can be applied to the data, analysis, and
1167   achievement of policy objectives. Collect this data to the extent feasible, and
1168   determine a process for ongoing metric analysis and program evaluation to
1169   measure success of this policy process.

1170

1171   [Per the EPDP Team's Charter, the goal of this effort is to determine if the Temporary
1172   Specification for gTLD Registration Data should become an ICANN Consensus Policy, as is
1173   or with modifications, while complying with the GDPR and other relevant privacy and
1174   data protection law. As part of this determination, the EPDP Team is, at a minimum,
1175   expected to consider the elements of the Temporary Specification as outlined in the
1176   charter and answer the charter questions. The EPDP Team shall consider what
1177   subsidiary recommendations it might make for future work by the GNSO which might be
1178   necessary to ensure relevant Consensus Policies, including those related to registration
1179   data, are reassessed to become consistent with applicable law".

1180   The EPDP Team will further consider a set of metrics to help inform the evaluation to
1181   measure success of these policy recommendations, but would welcome input during the
1182   public comment period on the set of metrics that should be considered.]
1183

4 Next Steps

4.1 Next Steps

The EPDP Team will complete the next phase of its work and develop its
recommendations in a Final Report to be sent to the GNSO Council for review following
its analysis of public comments received on this Initial Report.

Annex A - Background

Process Background

On 19 July 2018, the GNSO Council initiated an Expedited Policy Development Process (EPDP) and chartered the EPDP on the Temporary Specification for gTLD Registration Data Team. Unlike other GNSO PDP efforts, which are open for anyone to join, the GNSO Council chose to limit the membership composition of this EPDP, primarily in recognition of the need to complete the work in a relatively short timeframe and to resource the effort responsibly. GNSO Stakeholder Groups, the Governmental Advisory Committee (GAC), the Country Code Supporting Organization (ccNSO), the At-Large Advisory Committee (ALAC), the Root Server System Advisory Committee (RSSAC) and the Security and Stability Advisory Committee (SSAC) were each been invited to appoint up to a set number of members and alternates, as outlined in the charter. In addition, the ICANN Board and ICANN Org have been invited to assign a limited number of liaisons to this effort. A call for volunteers to the aforementioned groups was issued in July, and the EPDP Team held its first meeting on 1 August 2018.

Issue Background

On 17 May 2018, the ICANN Board of Directors (ICANN Board) adopted the Temporary Specification for generic top-level domain (gTLD) Registration Data ("Temporary Specification") pursuant to the procedures for the establishment of temporary policies in ICANN's agreements with Registry Operators and Registrars ("Contracts"). The Temporary Specification provides modifications to existing requirements in the Registrar Accreditation and Registry Agreements in order to comply with the European Union's General Data Protection Regulation ("GDPR"). Following adoption of a temporary specification, the procedure for Temporary Policies as outlined in the Registrar Accreditation and Registry Agreements, provides the Board "shall immediately implement the Consensus Policy development process set forth in ICANN's Bylaws". Additionally, the procedure provides this Consensus Policy development process on the Temporary Specification must be carried out within a one-year period as the Temporary Specification can only remain in force for up to one year, from the effective date of 25 May 2018, i.e., the Temporary Specification will expire on 25 May 2019.

On 19 July 2018, the GNSO Council initiated an Expedited Policy Development Process (EPDP) and chartered the EPDP on the Temporary Specification for gTLD Registration Data Team. The EPDP Team held its first meeting on 1 August 2018.

1231   # Annex B – EPDP Team Membership and Attendance

1232   ## EPDP Team Membership and Attendance
1233   The members of the EPDP TEAM are:
1234

	Members / Liaisons	Affiliation	SOI	% of Meetings Attended
1	Alan Woods	RySG	SOI	
2	Kristina Rosette	RySG	SOI	
3	Marc Anderson	RySG	SOI	
4	James M. Bladel	RrSG	SOI	
5	Matt Serlin	RrSG	SOI	
6	Emily Taylor	RrSG	SOI	
7	Alex Deacon	IPC	SOI	
8	Diane Plaut	IPC	SOI	
9	Margie Milam	BC	SOI	
10	Mark Svancarek	BC	SOI	
11	Esteban Lescano	ISPCP	SOI	
12	Thomas Rickert	ISPCP	SOI	
13	Stephanie Perrin	NCSG	SOI	
14	Ayden Férdeline	NCSG	SOI	
15	Milton Mueller	NCSG	SOI	
16	Julf Helsingius	NCSG	SOI	
17	Amr Elsadr	NCSG	SOI	
18	Farzaneh Badiei	NCSG	SOI	
19	Georgios Tselentis	GAC	SOI	
20	Kavouss Arasteh	GAC	SOI	

	Members / Liaisons	Affiliation	SOI	% of Meetings Attended
21	Ashley Heineman	GAC	SOI	
22	Alan Greenberg	ALAC	SOI	
23	Hadia Elminiawi	ALAC	SOI	
24	Benedict Addis	SSAC	SOI	
25	Ben Butler	SSAC	SOI	
26	Chris Disspain	ICANN Board Liaison	SOI	
27	Leon Felipe Sanchez	ICANN Board Liaison	SOI	
28	Rafik Dammak	GNSO Council Liaison	SOI	
29	Trang Nguyen	ICANN Org Liaison (GDD)	SOI	
30	Dan Halloran	ICANN Org Liaison (Legal)	n/a	
31	Kurt Pritz	EPDP Team Chair	SOI	

1235

	Alternates	Affiliation	SOI	% of Meetings Attended
1	Beth Bacon	RySG	SOI	
2	Arnaud Wittersheim	RySG	SOI	
3	Sebastien Ducos	RySG	SOI	
4	Volker Greimann	RrSG	SOI	
5	Lindsay Hamilton-Reid	RrSG	SOI	
6	Theo Geurts	RrSG	SOI	
7	Brian King	IPC	SOI	
8	Steve DelBianco	BC	SOI	
9	Fiona Assonga	ISPCP	SOI	
10	Tatiana Tropina	NCSG	SOI	
11	David Cake	NCSG	SOI	
12	Collin Kurre	NCSG	SOI	
13	Chris Lewis-Evans	GAC	SOI	
14	Rahul Gosain	GAC	SOI	
15	Laureen Kapin	GAC	SOI	
16	Holly Raiche	ALAC	SOI	
17	Seun Ojedeji	ALAC	SOI	
18	Greg Aaron	SSAC	SOI	
19	Rod Rasmussen	SSAC	SOI	

1236
1237   The detailed attendance records can be found at
1238   https://community.icann.org/x/4opHBQ.
1239

1240   The EPDP Team email archives can be found at https://mm.icann.org/pipermail/gnso-
1241   epdp-team/.
1242
1243   * The following are the ICANN SO/ACs and GNSO Stakeholder Groups and
1244   Constituencies for which EPDP TEAM members provided affiliations:
1245   RrSG – Registrar Stakeholder Group
1246   RySG – Registry Stakeholder Group
1247   CBUC – Commercial and Business Users Constituency
1248   NCSG – Non-Commercial Stakeholder Group
1249   IPC – Intellectual Property Constituency
1250   ISPCP – Internet Service and Connection Providers Constituency
1251   GAC – Governmental Advisory Committee
1252   ALAC – At-Large Advisory Committee
1253   SSAC – Security and Stability Advisory Committee

1254 ## Annex C - Community Input

1255 ## Request for Input
1256
1257 According to the GNSO's PDP Manual, an EPDP Team should formally solicit statements
1258 from each GNSO Stakeholder Group and Constituency at an early stage of its
1259 deliberations. An EPDP Team is also encouraged to seek the opinion of other ICANN
1260 Supporting Organizations and Advisory Committees who may have expertise,
1261 experience or an interest in the issue. As a result, the EPDP Team reached out to all
1262 ICANN Supporting Organizations and Advisory Committees as well as GNSO Stakeholder
1263 Groups and Constituencies with a request for input at the start of its deliberations. In
1264 response, statements were received from:

1265 ■ The GNSO Business Constituency (BC)
1266 ■ The GNSO Intellectual Property Constituency (IPC)
1267 ■ The GNSO Non-Commercial Stakeholder Group (NCSG)
1268 ■ The Registries Stakeholder Group (RySG)
1269 ■ The At-Large Advisory Committee (ALAC)
1270 ■ The Governmental Advisory Committee (GAC)
1271 ■ The Security and Stability Advisory Committee (SSAC)

1272
1273 The full statements can be found here: https://community.icann.org/x/Ag9pBQ.

1274 ## Review of Input Received
1275
1276 All of the statements received were added to the Discussion Summary Index for the
1277 corresponding section in the Temporary Specification (where applicable) and reviewed
1278 by the EPDP Team as part of its deliberations on that particular topic.
1279

1280   # Annex D – Data Elements Workbooks

1281

1282   [Include Data Elements Workbooks once completed]