**Data Redaction**:

f*) Publication of data by registrar/registry:*

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

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

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

EPDP Team considerations and deliberations in addressing the charter questions included:

* The EPDP Team considered the input provided by each group in response to the triage surveys and the responses to the request for early input.
* The EPDP Team discussed which data elements are to be published in a freely accessible directory and which data elements are to be redacted. As a starting point, the EPDP Team considered the existing data-redaction list in the Temporary Specification (see Appendix A of the Temporary Specification)). Although many agreed with the treatment (redaction vs. publication) of data-elements under the Temporary Specification, there was some disagreement as to whether the following elements should be treated differently, to either be redacted (as some believe they could contain personally identifiable information) or, in the alternative published, as described in greater detail below:
  + Organization,
  + City, and
  + Email Address.
* In the context of the Organization field, the EPDP Team noted there is currently a lack of consistency in relation to how this field is used by the Registered Name Holder, so there may be instances where it contains personally identifiable information. Similarly, the EPDP Team observed that this data field, when published in combination with other information, might reveal personally identifiable information[[1]](#footnote-1). As such, the NCSG, ISPCP and RySG do not support not redacting this information. It was also pointed out that the organization field is commonly used to indicate that the registrant is a legal entity. Whilst this field is sometimes filled out incorrectly, this is predominantly a data quality issue. Incorrect publication of an individual’s personal data - and associated legal risk to a contracted party - may be mitigated through user education, and post hoc by correction under the data subject’s rights of rectification, erasure and restriction of processing (Arts. 16-18). This legal risk is balanced against the systemic risk of uniform redaction. Some noted that the organization field provides the DNS ecosystem with a common signal about a domain owner, with implicitly different status to a natural person. Without this signal (interpreted directly or by third parties) it is the view of some that users are more likely to fall victim to scams, fraud, identity theft and extortion; these can themselves constitute severe breaches of privacy. In aggregate they cause a systemic risk which does not fall squarely on one party, but instead can damage trust in the whole DNS.
* Assuming that the intended content for this field is to denote a legal person, the EPDP Team intends to seek clarification about the potential liability should a Registered Name Holder provide personally identifiable information within the Organization field and that field is published in a freely accessible directory. Such a request would include information regarding other GDPR-compliant regimes and input from DPAs regarding how similar data fields are handled. Following this clarification, the EPDP Team may review Preliminary Recommendation #[include reference] in relation to the Organization data element.
* In the context of postal code and city, the EPDP Team discussed the role these data elements might play in narrowing down jurisdiction. Specifically, the IPC [and BC] believe the City data element is critical information in determining venue for legal proceedings and contacting local law enforcement, and thus should remain unreacted. The EPDP Team also observed that this data field, when published in combination with other information, might reveal personally identifiable information.
* IPC, BC, GAC and ALAC also noted that registrars need not redact these data if they are able to determine that the registrant is a legal person.
* In the context of email address, the EPDP Team considered existing requirements in the Temporary Specification that:

the 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.

Comments to this requirement were:

* Members of the IPC pointed out that an anonymized email address as well as a web form prevent identifying trends across multiple registrations as well as possible confirmation / certainty that communication has been relayed.
* Registrars pointed out that the aim of the web form is to contact the registrant. If registrars are required by law, court order or some other judicial process to provide the information, then registrars would ordinarily do so.
* BC, IPC and ALAC members noted that this requirement should not be applied in the case of legal persons, as long as EDPB guidance is followed and no personal data included in the email address. In response, others pointed to the potential challenges and risks of that approach (see also section on natural / legal persons).

The EPDP Team recommends that redaction must be applied as follows to the data elements that are collected. Data elements not redacted must appear in a freely accessible directory:

| **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 |
| 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[[2]](#footnote-2) |
| * State/province | No |
| * Postal code | Yes |
| * Country | No |
| * Phone | Yes |
| * Email | Yes[[3]](#footnote-3) |
| * Anonymized email / link to web form | No |
| Tech Fields |  |
| * Name | Yes |
| * Phone | Yes |
| * Email | Yes[[4]](#footnote-4) |
| * Anonymized email / link to web form | No |
| NameServer(s) | No |
| DNSSEC | No |
| Name Server IP Address | No |
| Last Update of Whois Database | No |

The EPDP Team recommends that registrars provide guidance to Registered Name Holders concerning the information that is to be provided within the Organization field.

In relation to facilitating email communication between third parties and the registrant, the EPDP Team recommends that current requirements in the Temporary Specification that specify that a 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, remain in place[[5]](#footnote-5).

1. See Recital 26 of the GDPR as well as <https://gnso.icann.org/en/drafts/wsgr-icann-memorandum-25sep17-en.pdf> - response to question 3. [↑](#footnote-ref-1)
2. The IPC and BC representatives on the EPDP Team are of the view that this data element should be unredacted. [↑](#footnote-ref-2)
3. 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. [↑](#footnote-ref-3)
4. 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. [↑](#footnote-ref-4)
5. Members of the IPC, BC and ALAC do not support this preliminary recommendation for reasons stated earlier in this section. [↑](#footnote-ref-5)