**Topic list – Items remaining to be discussed – updated 2 December 2018**

The table below provides an overview of the topics requiring further discussion before publishing of the Final Report. Some of these topics were identified as requiring further discussion in the Initial Report, others were flagged by EPDP Team members / groups. Some of these topics may require closing of the public comment period to be able to assess and factor in community input, for others the EPDP Team could already deliberate and agree on a path forward, which could be reconfirmed after the closing of the public comment period.

Schedule of Meetings going forward:

Meeting #30 – 27 November 2018

Meeting #31 – 4 December 2018

Meeting #32 – 6 December 2018

Meeting #33 – 11 December 2018

Meeting #34 – 13 December 2018

Meeting #35 – 18 December 2018

Meeting #36 – 20 December 2018

22 December – 2 January – review of public comments. Consider having small team of volunteers review public comments by section / parts and develop proposed EPDP Team response as well as recommended changes to Initial Report, if deemed appropriate, for EPDP Team consideration?

Meeting #37 – 3 January 2019

Meeting #38 – 8 January 2019

Meeting #39 – 10 January 2019

F2F Meeting – 16 – 18 January 2019

|  | **Topic / Issue (flagged by)** | **Information needed to address this issue** | **Where / how currently covered in Initial Report** | **Discuss during meeting #** | **Proposed approach for addressing this issue in the Final Report and/or next steps** |
| --- | --- | --- | --- | --- | --- |
|  | **Recommendation 1 -**Regarding Purpose 6 under recommendation #1, ICANN org would like to remind the EPDP Team of a [comment](https://mm.icann.org/pipermail/gnso-epdp-team/2018-November/000890.html) that ICANN org previously provided on this purpose: “[T]he current wording of Purpose M states: “coordinating the development and implementation of policies concerning ICANN’s dispute resolution processes in the context of domain name registrations.” It is unclear how developing and implementation of policy would involve processing of gTLD registration data or personal data.” (ICANN Org Liaisons) |  | Preliminary Recommendation #1 – Purpose 6. | #30 | Note that this language was already updated in the Initial Report to read “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, RRDRP, and future-developed domain name registration-related dispute procedures for which it is established that the processing of personal data is necessary”. As such, no further updates are needed at this stage.  |
| 1.
 | **Recommendation 5 -** Is the transfer referenced in this recommendation for thick registries only? What is the linkage/impact of this recommendation to the Thick policy? (ICANN Org Liaisons) | Recommendations currently do not differentiate between requirements for thin or thick registries.  | Preliminary Recommendation #5 | #30 | This question as well as the impact of the proposed policy recommendations on other existing policies and procedures has not yet been considered in detail by the EPDP Team. Need to discuss further how to give this due consideration.  |
|  | **Recommendation 6 -** Item #3 under this recommendation seems to imply a simple controller/processor relationship. ICANN org would like to inform the EPDP Team that currently, data escrow agreement arrangements are complex. Some are 3-way agreements between ICANN, the data escrow provider, and registrars; some are two-way agreements between registrars and data escrow providers. Additionally, some data escrow providers believe that they are controllers, some do not. ICANN org will provide a more fulsome background on the data escrow agreement arrangements to inform future EPDP discussions on this topic. (ICANN Org Liaisons) | Awaiting a more complete background on the data escrow agreement arrangements” from ICANN Org to inform EPDP discussions.  | Preliminary Recommendation #6 | TBC |  |
|  | **Recommendation 18 -**This recommendation seems to imply a simple controller/processor relationship. It is possible that dispute resolution service providers are themselves controllers. Additional discussions and analyses may be needed on this topic. (ICANN Org Liaisons) |  | Preliminary Recommendation #18 | Small Team |  |
|  | **Footnote 13/43** - ICANN Org raised a number of implementation related questions (see <https://mm.icann.org/pipermail/gnso-epdp-team/2018-November/000961.html> ) that the EPDP Team will further consider as it prepares its Final Report. (ICANN Org Liaisons) |  | Footnote 13/43 | Small Team |  |
|  | ***Footnote 4 -*** *The topic of accuracy as related to GDPR compliance is expected to be considered further, as well as the WHOIS Accuracy Reporting System.* (Initial Report) | What is exactly expected to be considered further and where does this fit within the EPDP Team Charter? | Footnote 4 / 22 | #31 |  |
|  | ***Preliminary Recommendation #4****: the EPDP Team is still considering whether optional also means optional for the registrar to offer the ability to the Registered Name Holder to provide these data elements, or whether it would be required for the registrar to offer this ability).* (Initial Report)Also, it should be noted that the optional data is optional for collection, however if it was provided in the first place it is required to be transferred. (ALAC) – confirm that this is a correct assumption |  | Preliminary Rec #4 | #31 |  |
|  | ***Preliminary Recommendation #8 –*** *Whether to redact of Org* (Initial Report) | Input from EDPB / legal advice on liability question | Preliminary Rec #8 | TBC |  |
|  | Lawful Basis – when to apply 6(1)(b) vs. 6(1)(f) (Initial Report) | Input from EDPB / legal advice | Preliminary Rec #14 | TBC |  |
|  | Legal vs. Natural persons (Initial Report) | Community inputInput from EDPB /legal advice on liability question | Charter Question h3-h5, page 49-53 (pdf version) | TBC |  |
|  | Geographic basis (Initial Report) | See [EPDB Guideline](https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-32018-territorial-scope-gdpr-article-3-version_en)  | Charter Question h1-h2, page 47-49 (pdf version) | #33 |  |
|  | Policy Change Impact Analysis (Initial Report) | Input during public comment period on metrics | Page 71-72 (pdf version) | #33 |  |
|  |  |  |  |  |  |
|  | ALAC, BC, and IPC proposed to consider a Purpose for Processing Registration Data to address the needs and benefits provided by DNS security and stability research through publication of reports on threats to the operational stability, reliability, security, global interoperability, resilience, and openness of the DNS. The EPDP Team did not have sufficient time to discuss this proposed Purpose before publication of the Initial Report. The EPDP Team seeks community and ICANN Org input on whether the Purposes agreed upon by the EPDP Team, such as Purpose 2, already encompass this proposed purpose and, if not, whether this proposed purpose should be added (if so, provide a rationale for doing so, keeping in mind compliance with GDPR). (Initial Report) | Input during public comment period | Page 30-31 (pdf version) | #32 |  |
|  | Data Elements Workbooks Issues:**Purpose 2**Develop rationale statement on B-PA2 why the transfer of data is not required for this Processing Activity – Page 91 (Current text: “N/A”)Should the Footnote 50 be made globally? “ Note, the responsible party is not necessarily the party carrying out the processing activity” (See also comment below re. ensuring consistency between data elements workbooks. **Purpose 3**Develop Responsible Party and Lawful Basis cells for C-PA3 Disclosure of Registration data Processing Activity – Page 96 (Current text: “TBD”; contains footnote “Addressed as part of Purpose B” – consider addressing this before discussion re. what data is transferred to Registry from Registrar)Pu**rpose 6**Develop Lawful Basis statements for M-PA5-Disclosure and M-PA6-Retention Processing Activities – Page 120 (Current text: “TBD”; Refer to footnotes 68, 69 and also refer to proposed fields for retention as marked on the data elements table. Should we at least document current state as best we can?Should we include a Processing Activity that specifically identifies the Disclosure of registration data on an RPM Provider site for resolved disputes of URS and UDRP?* + If yes, should the EPDP acknowledge that this disclosure is retained all time?

Should we document separate retention requirements for registration data provided to the Provider for processing the complaint versus what is ultimately displayed on complaint once processed and made available on the site?**Purpose 7*** Processing Activity statements for N-PA5-Disclosure and N-PA6-Retention;
	+ Current text N-PA5 – “TBD or No, but some Registry Operators may elect to publish.”
	+ Current text N-PA6 – “TBD or Life of registration.”
	+ Depends on input from public comment; NCSG position is that this should not exist as it pertains to being disclosed via RDDS

**All*** Confirm and make consistent Purpose Rationale statements, especially for #3 and picket fence
* Confirm Processing Activity - Retention across Purposes
* Apply Generated vs. Collected designations of Data Elements tables
 |  |  | #34 |  |