RECOMMENDATION 11

The EPDP Team recommends that Registrars are required to retain the herein-specified data elements for a period of one year following the life of the registration. This retention period conforms to the specific statute of limitations within the Transfer Dispute Resolution Policy ("TDRP").

Disclaimer: This overview has been developed to facilitate the EPDP Team's consideration of the concerns expressed and possible updates to the recommendations. However, this does not replace the EPDP Team's obligation to review all input received in full and to indicate if any concerns in this overview have inadvertently been mischaracterized.

Noted Concerns

Concern	Corresponding PCRT Comment #	Further Discussion Required?
The language should be edited as to allow for registrars to choose to retain data for longer than one year if applicable law or other guidance suggests longer than a one year data retention period. (see PCRT for suggested edit).	7, 10, 12 (RrSG, Volker Greimann, GoDaddy, RySG)	Yes/No
Period should be changed to 3 years. Although many investigations can proceed with data retained only one year after expiration, recent investigations reveal that some adversaries conduct subsequent attacks long after an attack has been concluded and that some attacks are only discovered after the event. Having a longer history of registrant data has also aided in proactive detection of new attacks by these previous attackers.	8, 9, 13, 17 (BC, Microsoft, IPC, Coalition for Online Accountability)	Yes/No
This data retention duration should apply to ICANN, the Registrar, and the Registry (if applicable). There is no need for ICANN to retain the herein specified mandatory data elements for longer than one year. Optional data should only be kept while the legal basis for processing remains active; if this legal basis is the data subject's consent to allow	11 (Tucows)	Yes/No

optional data use, then once that consent is revoked the data must no longer be retained.		
The use of the term 'statute of limitations' is incorrect. Additionally the retention period should merely be set/stated, and not linked to a specific applicable requirement. The rationale as to why 1 year is set should be documented in full, but should not be included in the recommendation itself.	12 (RySG)	Yes/No
The EPDP team should consider extending the period of retention of data when in receipt of a legitimate request.	14 (GAC)	Yes/No
Should be at least the 2 years recommended by ICANN, preferably longer. 1 year is not nearly long enough to support the legitimate interests outlined previously.	15 (Tim Chen)	Yes/No
Make the minimum retention at least 6 years, consistent with various statute of limitations in the real world for crimes (property theft, etc.). The TDRP is not the only mechanism that exists for domain disputes. Courts can also be used (and for some crimes, there might not be any statute of limitation, and certainly longer than 1 year for property crimes).	16, 18 (George Kirikos, Europol AGIS)	Yes/No
ICANN may recall that other industries' (e.g., accounting and legal) data retention best practices generally point to seven years as a guide.	19 (WIPO)	Yes/No
Language needs to be added to cater for data retention waivers.	20 (Michele Neylon)	Yes/No