**Original language proposed by RySG (Alan Woods -** [**https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001305.html**](https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001305.html)**), modified by RrSG (**[**https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001333.html**](https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001333.html)**)**

1)  The EPDP team recommends that ICANN, as soon as is practicable, undertakes a review of all its active processes and procedures so as to identify and document the instances in which personal data are requested from a registrar beyond the period of the 'life of the registration'. Retention periods for specific data elements should then be identified and documented, and relied upon to establish the required relevant and specific minimum data retention expectations for registrars.

2) In the interim, the EPDP team has recognized that the Transfer Dispute Resolution Policy (“TDRP”) has been identified as one such process. The EPDP team therefore recommends that ICANN should direct registrars to retain only those data elements deemed necessary for the purposes of the TDRP, for a period of one year following the life of the registration. This retention is grounded on the stated policy stipulation within the TDRP that claims under the policy may only be raised for a period of 12 months after the alleged breach (FN: see TDRP section 2.2) of the Transfer Policy (FN: see Section 1.15 of TDRP). Such retained data may only be used in relation to a specific TDRP complaint; should a Registrar use the retained data for any other purpose, they would do so under their own Controllership.

3) The EPDP team recognizes that Contracted Parties may have needs or requirements for different retention periods in line with local law or other requirements. The EPDP team recommends that nothing in this recommendation, or in separate ICANN-mandated policy, should prohibit contracted parties from setting their own retention periods beyond that which is expected in ICANN policy. Similarly, should local law prevent retention for the minimum period as set by ICANN, the EPDP team recommends that a suitable waiver procedure is put in place that can address such situations. In addition, the waiver procedure should be reviewed to determine if it would be appropriate for other CPs to “join” themselves to an existing waiver upon demonstration of being subject to the same law or other requirement that grounded the original waiver application.

**Edits proposed by GAC (Kavouss Arasteh) (**[**https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001339.html**](https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001339.html)**)**

"1)  The EPDP team recommends that ICANN, as soon as is practicable to be replaced by ,as a matter of urgency,, undertakes a review of all its active processes and procedures so as to identify and document the instances in which personal data are requested from a registrar beyond the period of the 'life of the registration'. Retention periods for specific data elements should then be identified and documented, and relied upon to establish the required relevant and specific minimum data retention expectations for registrars.

2) In the interim, the EPDP team has recognized that the Transfer Dispute Resolution Policy (“TDRP”) has been identified as one such process. The EPDP team therefore recommends that ICANN should direct registrars to retain only those data elements deemed necessary for the purposes of the TDRP, for a period of , at least one year following the life of the registration. This retention is grounded on the stated policy stipulation within the TDRP that claims under the policy may only be raised for a period of 12 months after the alleged breach (FN: see TDRP section 2.2) of the Transfer Policy (FN: see Section 1.15 of TDRP). Such retained data may only be used in relation to a specific TDRP complaint; should a Registrar use the retained data for any other purpose, they would do so under their own Controllership.

3) The EPDP team recognizes that Contracted Parties may have needs or requirements for different retention periods,beyond one year  in line with local law or other requirements. The EPDP team recommends that nothing in this recommendation, or in separate ICANN-mandated policy, should prohibit contracted parties from setting their own retention periods beyond the minimum one year period  or that which is expected in ICANN policy. Similarly, However, should local law prevent retention for the minimum period as  stipulated above or set by ICANN, the ePDP team recommends that a suitable waiver procedure is put in place that can address such situations. In addition, the waiver procedure should be reviewed to determine if it would be appropriate for other CPs to “join” themselves to an existing waiver upon demonstration of being subject to the same law or other requirement that grounded the original waiver application

**Recommendation 11 – Small Team**

**Initial Report Language:**

*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”).*

**Proposed Updated Language:**

The EPDP Team recommends that Registrars are required to retain the herein-specified data elements for ICANN related requirements for a period of one year following the life of registration. This minimum retention period is consistent the requirements of the TDRP.

Note, Contracted Parties may have needs or requirements for longer retention periods in line with local law or other requirements. This is not prohibited by this language. Similarly, should local law prevent retention for the period of one year, there are waiver procedures in place that could address such situations.

**Rationale:**

Having taken careful note of all public comments received on this recommendation, Small Team B observed that the current language should be clarified that the proposed period is a minimum period, or more specifically a period for ICANN required retention and that CPs can adjust as needed beyond that period in line with local law / requirements. The Small Team B also agreed to remove the reference to 'statute of limitations'. The Small Team B recommends that the recommended data retention period is further considered by the full EPDP Team, although Contracted Parties noted that a justification for the retention period is required that is embedded in ICANN requirements (which is currently the TDRP).

**To be further discussed by EPDP Team:**

Further discussion needed on the recommended ICANN retention period.