**Recommendation 5 - Data elements to be transferred from Registrars to Registries**

The recent EPDP Team discussion on this Recommendation drew a distinction between:

* Data elements that are transferred from registrar to registry as a result of the seven enumerated purposes for processing registration data, and
* The requirements of the Thick Whois Policy that is in its implementation phase

The set of data elements to be transferred as a result of the “Purposes” is currently being completed by a small team.

The recent discussion also highlighted that some registries wish to not receive data for which they have no GDPR-compliant purpose for processing.

Therefore, this language below describes the results of our data analysis work and highlights the issue of the Thick Whois Policy, its potential clash with GDPR and calls for a supplementary review of that Policy.

**Proposed Final Report language in relation to Charter Question c) Transfer of data from registrar to registry (changes from Initial Report in redline):**

EPDP Team considerations and deliberations in addressing the charter questions:

* For each of the Purposes for Processing Registration Data (above), the EPDP Team has identified where and which data elements are required to be transferred from the registrar to registry for the “Purposes” identified in response to charter question (a)) as well as the identified corresponding lawful basis. As an illustration, please see the data elements workbooks in Annex D of this report for further details. Those processing activities identified as having as a lawful basis were considered by the EPDP Team.
* As part of this analysis, the EPDP Team concludes that not all registries have purposes that require the transfer of each of the enumerated data elements. In those instances, registrars, as the data controllers, will be responsible for ensuring that the request has a legal basis under GDPR. This represents a departure from the existing Thick Whois policy, which predates the implementation of the GDPR, and in accordance with Recommendation #22 (below) must be assessed against the legal bases for processing data listed in the GDPR. This assessment would not preclude modifications to the implementation of this Policy or the consideration new policy discussion considering the transfer of data from registrar to registry operator.

**Recommendation 5 - Data elements to be transferred from Registrars to Registries**

The EPDP Team recommends that the specifically-identified data elements under “[t]ransmission of registration data from Registrar to Registry”, as illustrated in the data elements workbooks, must be transferred from registrar to registry. In the aggregate, these data elements are: