**Updated Recommendation 15 – Data Retention (Formerly Rec. 11)**

1. In order to inform its Phase 2 deliberations, the EPDP team recommends that ICANN Org, as a matter of urgency, undertakes a review of all of its active processes and procedures so as to identify and document the instances in which personal data is requested from a registrar beyond the period of the 'life of the registration'. Retention periods for specific data elements should then be identified, documented, and relied upon to establish the required relevant and specific minimum data retention expectations for registrars. The EPDP Team recommends community members be invited to contribute to this data gathering exercise by providing input on other legitimate purposes for which different retention ***periods*** may be applicable.
2. In the interim, the EPDP team has recognized that the Transfer Dispute Resolution Policy (“TDRP”) has been identified as having the longest justified retention period of one year and has therefore recommended registrars be required 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 ***plus six months to implement the deletion, i.e., 18 months***. 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). This retention period does not restrict the ability of registries and registrars to retain data elements provided in Recommendations 4 -7 for other purposes specified in Recommendation 1 for shorter periods.[[1]](#footnote-1)

1. 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 notes that nothing in this recommendation, or in separate ICANN-mandated policy, prohibits contracted parties from setting their own retention periods, which may be longer or shorter than what is specified in ICANN policy.
2. The EPDP team recommends that ICANN Org review its current data retention waiver procedure[[2]](#footnote-2) to improve efficiency, request response times, and GDPR compliance, e.g., if a Registrar from a certain jurisdiction is successfully granted a data retention waiver, similarly-situated Registrars might apply the same waiver through a notice procedure and without having to produce a separate application.
1. ***In Phase 2, the EPDP Team will work on identifying different retention periods for any other purposes, including the purposes identified in this Report.***  [↑](#footnote-ref-1)
2. ***For avoidance of doubt, ICANN’s data retention waiver procedure only applies to contracted parties who need to apply for shorter data retention periods. Contracted parties do not need to seek a waiver for longer retention periods for data retention under their own controllership.*** [↑](#footnote-ref-2)