**EPDP Team Recommendation #11**

The EPDP Team recommends that redaction must be applied as follows to this data element:

| **Data Element** | **Redacted** |
| --- | --- |
| Registrant Field |  |
| * City | Yes |

The EPDP Team expects to receive further legal advice on this topic which it will analyze in phase 2 of its work to determine whether or not this recommendation should be modified.

**EPDP Team Recommendation #18**

The EPDP Team recommends that the current requirements in Sections 4.1 and 4.2 of Appendix A to the Temporary Specification in relation to access to non-public registration data, upon expiration are replaced with the criteria below and finalized through the requirements set during the implementation stage, recognizing that work in Phase 2 on a system for Standardized Access to Non-Public Registration Data may further complement, revise, or supersede these requirements. In addition, the EPDP team recommends that when a system for Standardized Access to Non-Public Registration Data is developed, the need for a policy governing Reasonable Requests for Lawful Disclosure outside of that model will be required.

The EPDP Team recommends that the new policy will refer to “Reasonable Requests for Lawful Disclosure of Non-Public Registration Data” or “Reasonable Requests for Lawful Disclosure”, instead of ‘Reasonable Access’ and that Registrar and Registry Operator must process and respond to Reasonable Requests for Lawful Disclosure.

The basic criteria for Reasonable Requests Lawful Disclosure are as follows: First, a Reasonable Request for Lawful Disclosure must follow the format required by the Registrar or Registry Operator and provide the required information, which are to be finalized during the implementation phase (see below). Second, delivery of a properly-formed Reasonable Request for Lawful Disclosure to a Registrar or Registry Operator does NOT require automatic disclosure of information. Third, Registrars and Registry Operators will consider each request on its merits, including the asserted GDPR legal bases.

Registrars and Registry Operators must publish, in a publicly accessible section of their web-site, the mechanism and process for submitting Reasonable Requests for Lawful Disclosure. The mechanism and process should include information on the required format and content of requests, means of providing a response, and the anticipated timeline for responses.

The EPDP Team recommends that criteria for a Reasonable Request for Lawful Disclosure and the requirements for acknowledging receipt of a request and response to such request will be defined as part of the implementation of these policy recommendations but will include at a minimum:

● Minimum Information Required for Reasonable Requests for Lawful Disclosure:

* Identification of and information about the requestor (including, the nature/type of business entity or individual, Power of Attorney statements, where applicable and relevant);
* Information about the legal rights of the requestor and specific rationale and/or justification for the request, (e.g. What is the basis or reason for the request; Why is it necessary for the requestor to ask for this data?);
* Affirmation that the request is being made in good faith;
* A list of data elements requested by the requestor and why this data is limited to the need;
* Agreement to process lawfully any data received in response to the request.

● Timeline & Criteria for Registrar and Registry Operator Responses - Registrars and Registries must reasonably consider and accommodate requests for lawful disclosure:

* Response time for acknowledging receipt of a Reasonable Request for Lawful Disclosure. Without undue delay, but not more than two (2) business days from receipt, unless shown circumstances does not make this possible.
* Requirements for what information responses should include. Responses where disclosure of data (in whole or in part) has been denied should include: rationale sufficient for the requestor to understand the reasons for the decision, including, for example, an analysis and explanation of how the balancing test was applied (if applicable).
* Logs of Requests, Acknowledgements and Responses should be maintained in accordance with standard business recordation practices so that they are available to be produced as needed including, but not limited to, for audit purposes by ICANN Compliance;
* Response time for a response to the requestor will occur without undue delay and in any event within [X business] days of receipt of the request. (A finalized time frame to be set during implementation. This discussion is to be prioritized during the implementation discussion.)
* A separate timeline of [less than X business days] will considered for the response to ‘Urgent’ Reasonable Disclosure Requests, those Requests for which evidence is supplied to show an immediate need for disclosure [time frame to be finalized and criteria set for Urgent requests during implementation].

The EPDP Team recommends that the above be implemented and further work on defining these criteria commences as needed and as soon as possible.