

EPDP Team Phase 2

Draft approach - for review & discussion

Draft Approach

- Objective of EPDP Team is to develop and agree on rules and requirements for sharing of **non-public registration data** with third parties (System for Standardized Disclosure of Non-Public Registration Data).
- Until legal certainty is provided, the development of the **policy recommendations** for a System for Standardized Disclosure will be agnostic to the modalities of the System.
- In parallel, the EPDP Team as a whole should engage with ICANN Org on the development of policy questions that will help inform the discussions with DPAs which have as its objective to determine what model of System for Standardized Disclosure would be fully compliant with GDPR, workable and address/alleviate the legal liability of contracted parties.
- Work of the Team could be organized in two work streams. Priority is to make progress on work stream 1, but EPDP Team to outline dependencies for other topics in work stream 2 and determine if/how work on these can be conducted in parallel.
- Items from work stream 2 could be incorporated in the Initial / Final Report for work stream 1, depending on their date of completion, or presented in a separate report.
- Work sheets - key to outline scope, timeline and dependencies.

New element since the last call

Quote from European Commission's letter of 3 May 2019 relevant to our discussion:

- ⊙ *In particular, we have constantly urged ICANN and the community to **develop a unified access model that applies to all registries and registrars and provides a stable, predictable, and workable method for accessing non-public gTLD registration data** for users with a legitimate interest or other legal basis as provided for in the General Data Protection Regulation (GDPR). The European Commission considers **this to be both vital and urgent**, and we urge ICANN and the community to develop and implement a pragmatic and workable access model in the shortest timeframe possible, to which we will contribute actively.*

Working definitions / terminology

Important to agree on use of terms in form of working definitions, noting that based on EPDP Team deliberations these working definitions may need to be further refined, such as but limited to:

- ⦿ **Access**, or subject access, gives individuals the right to obtain a copy of their personal data;
- ⦿ **Disclosure** refers to sharing of personal information with third parties.

(See for example <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>) and <https://saskschoolsprivacy.com/central-administration/central-administration-summary/use-access-disclosure-of-information/>).

(EPDP Team to determine through its deliberations what shape or form such disclosure takes, e.g. automated or semi-automated, or case by case)

Proposed Work Streams

- ⦿ Work stream 1 – System for Standardized Disclosure of Non-Public Registration Data

- ⦿ Work stream 2 - Other topics, as defined by the charter and phase 1 recommendations:
 - Feasibility of unique contacts to have uniform anonymized email address
 - Legal vs. Natural
 - Additional purpose for ICANN's OCTO
 - Display of information of affiliated vs. accredited privacy / proxy providers
 - Data retention
 - City Field
 - Data Accuracy and the WHOIS Accuracy Reporting System

Work stream 1 issues* to be addressed

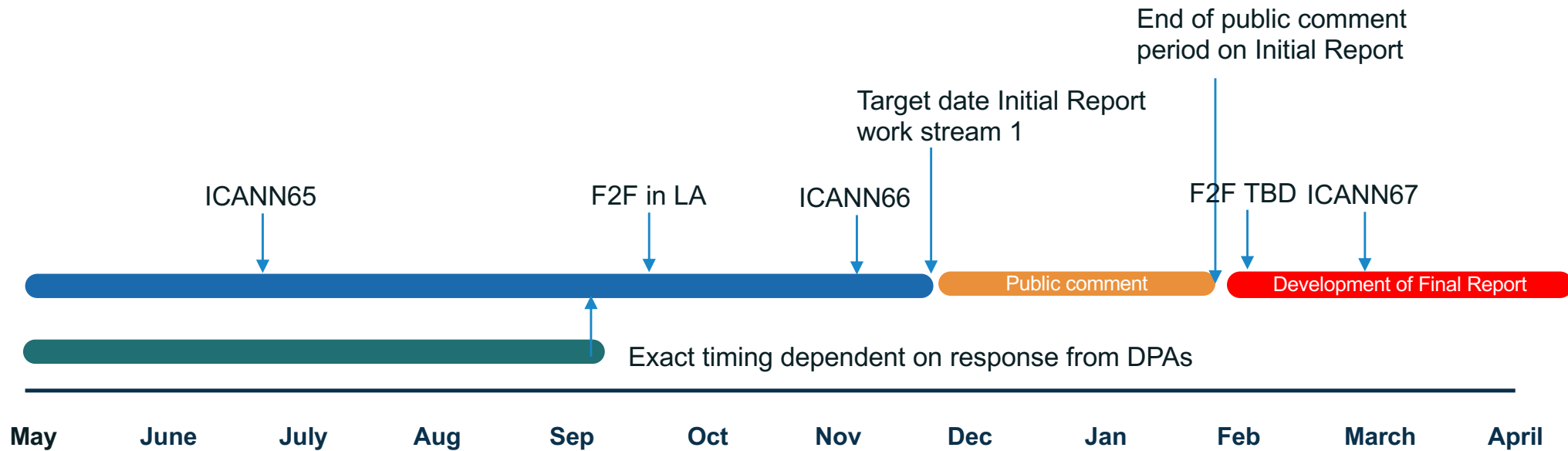
- ◉ Definitions and terminology
- ◉ Legal guidance needed
- ◉ Requirements, incl. defining user groups, criteria & format of request
- ◉ Publication of process, format and content request required
- ◉ Timeline of process
- ◉ Receipt of acknowledgment
- ◉ Accreditation
- ◉ Authentication
- ◉ Purposes for third party disclosure
- ◉ Lawful basis for disclosure
- ◉ Code of conduct
- ◉ Terms of use / disclosure agreements
- ◉ Privacy policies
- ◉ Query volume limitations
- ◉ Retention and destruction of data
- ◉ Service level agreements
- ◉ Financial sustainability

Aim is to address these issues as much as possible being agnostic to whether it concerns a centralized or decentralized model. EPDP Team to flag which items may need to be revisited once a determination has been made on whether a centralized model is compliant with GDPR and workable.

Note also potential overlap of certain issues with implementation of rec #18 of phase 1

* non-exhaustive list

Proposed timeline work stream 1



● Work Stream 1
Deliberation on issues
outlined on slide 4

● Work stream 1
Coordination with Org on
UAM questions

- Items from work stream 2 could be incorporated in the Initial / Final Report for work stream 1, depending on their date of completion or presented separately
- Use work sheets to map out dependencies and expected timing for work stream 2 items

Proposed meeting sequence

Week / Day	Work stream 1	Work stream 2
Week 1 / Tuesday		
Week 1 / Thursday	X	
Week 2 / Tuesday		X
Week 2 / Thursday	X	
Week 3 / Tuesday		
Week 3 / Thursday	X	
Week 4 / Tuesday		X
Week 4 / Thursday	X	
Week 5 / Tuesday		
Week 5 / Thursday	X	
Week 6 / Tuesday		X
Week 6 / Thursday	X	
Etc.		