Standardized System for Access & Disclosure (SSAD)

Requestor

Identity Provider(s)

Contracted Parties

SSAD Advisory Group

Accreditation Authority (ICANN)

Central Gateway Manager (SSAD, ICANN)

Accreditation approved?

Submit request for disclosure directly to Contracted Party

Rec#18

Reasonable Access

Revise/Appeal Application

Log in to SSAD

No, Appeal(s) Rejected

Yes

Submit Support Ticket

Recovered Credentials Confirmed?

Yes

No

Submit Request to SSAD

Automated Disclosure Candidate?

Yes

No

Execute RDAP Query

Destroy Registration Data Process

Registration Data

Complaint

Appeal

Accepted

A

In

Appeal decision or Submit complaint?

Submit complaint to ICANN

Out

Generate Response Decision to disclose data?

Evaluate request & balance test if required

Generate Response

Rejected

B

In

Out

Review categories of disclosure requests which should be automated

SLA Matrix Review

Other implementation improvements (ex. identification of possible user categories and/or disclosure rationales)

Make recommendations to the GNSO Council for any policy issues that may require further policy work.
## Balancing Test Framework

This framework provides a set of non-binding guidance to assist controllers in performing the 6(1)(f) balancing test. Standardization of the process does not stipulate or guarantee access to personal data as the controller retains full discretion regarding the process and outcome of the balancing test.

### Step 1: Preliminary assessment of the validity of a request for personal data under 6(1)(f)

The data controller responsible for a disclosure decision should make a threshold determination (without processing the underlying data) about whether the requestor has established an interest in the disclosure of personal data. The controller should consider whether the requestor's legitimate interest outweighs the interests or fundamental rights and freedoms of the data subject. No single factor is determinative; instead, the controller should consider the totality of the circumstances.

Each request should be evaluated individually (i.e., each submission should contain a request for data related to a single domain). If a submission relates to multiple domains, each must be evaluated individually.

### Step 2: Assessment of the underlying data requested

The data controller responsible for a disclosure decision may evaluate the underlying data requested in context of the purpose for which the request is made. The data controller may use the following factors to determine whether the Step 3 balancing test is required.

- **Interests of the Requestor**
  - Intense (specific, real, present and reasonable)
  - Limited (focussed, targeted, and limited to the stated purpose)
  - Unreasonable (not proportionate or unreasonable)

- **Nature of the data**
  - Necessary (adequate, relevant, and limited to what is reasonable to achieve the stated purpose)
  - Insufficient (less than indispensable or absolutely necessary)

- **Scope of processing**
  - Reasonable (only the data necessary to achieve the stated purpose)
  - Reasonable (the scope of processing is proportionate to the stated purpose)

- **Impact**
  - Consider the effect of the processing on the data subject and on the controller.
  - Consider the level of sensitivity of the data as well as whether the data is already publicly available.
  - Consider whether the data subject's status increases their vulnerability (e.g., children, other protected classes).

### Step 3: Apply balancing test

The data controller responsible for a disclosure decision should evaluate at least the following factors to determine whether the legitimate interest of the requestor is not outweighed by the interests or fundamental rights and freedoms of the data subject. The single factor is determinative, unless the controller should consider the totality of the circumstances.

- **Assessment of impact**
  - Consider the direct impact on data subjects as well as any broader plausible consequences of the data disclosure.

- **Specificity and fitness of the legal basis**
  - Consider whether the data subject's legitimate interest in the information is supported by a legal basis.
  - Consider whether the data subject would reasonably expect the personal data to be disclosed.

- **Scope of processing**
  - Consider whether the data will be closely held (lower risk) versus publicly disclosed, made accessible to a large number of persons, or combined with other data (higher risk).

- **Reasonable expectations of the data subject**
  - Consider whether the data subject would reasonably expect their data to be disclosed to the requestor.

### Additional Considerations

- **Contracted Parties may also consider whether the requested data originates within EEA?**

- **Consider status of controller and data subject.**

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