**Purpose Sub-Team – Draft 26 April 2016**

Each team to consider their total output to address the following questions[[1]](#footnote-1):

1. Did this input inventory produce any insights to inform the WG’s work plan?

Draft response: Yes, it provided the following insights: *[to be completed]*

1. Which inputs are likely to be the most relevant during WG deliberations and why[[2]](#footnote-2)?

Draft response (based on input received during 26/4 & 20/4 meetings, sub-team mailing list):

* EWG Recommendations (see relevant sections), because this comprehensive document has relevant sections that identify, analyze and define in a rigorous way the various categories of users and their purpose for accessing registration data. The analysis of the EWG is well structured and also carefully summarized in tables that are both detailed and, at the same time, precise and easy to read. In brief, the EWG recommendations provide a solid base for framing the questions that we are trying to address in our working group. The document is an excellent source of information that would help us facilitate our subsequent deliberations.
* 2012 WHOIS Policy Review Team Report, because this report is another comprehensive document similar to the EWG recommendations. It contains a number of relevant parts that give hints to answering the question of what is the over-arching purpose of collecting, maintaining, and providing access to gTLD registration data. The importance of this question makes the WHOIS report relevant to this PDP.
* SAC055, because SAC055 provides further insight into the WHOIS Policy Review Team Final Report (2012). In particular, SAC055 emphasizes the need of a single consensus policy, explains why the attempts to reach consensus failed repeatedly and suggests recommendations to the ICANN Board of Directors to help overcome the challenges that occurred in the past.
* 2007 GAC Communiqué regarding WHOIS, because the GAC principles regarding gTLD WHOIS services identify a number of important areas where WHOIS data is used such as supporting Internet's security and stability, determining availability of domain names, enforcing national and international laws, combating against abusive uses of ICTs, etc. All these recommendations are solid and also related to this PDP so they may help facilitate our work.
* 2013 RAA - includes specific uses by registrars, because *[to be completed]*
* Article 29 WP opinion (02/2003) on the application of data protection principles to WHOIS directories, because *[to be completed]*
* Article 29 WP correspondence on ICANN Procedure for Handling WHOIS Conflicts with Privacy Law (2007), because this letter stresses the importance of defining the purpose of registration data so that its processing and use complies with EU data and protection legislation. Ensuring such legal compliance should be always kept in mind when defining the purpose in our PDP so that registrars operating under EU legislation do not face legal issues when trying to meet the registrar accreditation agreements.
* Article 29 WP 217 Opinion 4/2014 on legitimate interests of data controller, because *[to be completed]*
* Article 29 WP 203 Opinion 3/2013 on purpose limitation, because *[to be completed]*
* SAC054, because this document is particularly relevant as it identifies not only the data elements collected, but the purpose for which they are collected, and identify whether the collection is optional or mandatory.
* European Commission’s webpages on “Obligations of Data Controllers” and “Definition of Data Controllers." These provide clear, approachable definitions and guidance as to who is seeking to understand the obligations of those collecting data and those setting the policy for it. That's key for the WG.
* The EU Data Protection Directive and the Council of Europe Treaty 108, because they are the key laws that set out the purpose requirements - with for this purpose.
* U.S. NTIA Green Paper: Improvement of Technical Management of Internet Names and Addresses (1998) and White Paper: Management of Internet Names and Addresses, Statement of Policy (2012), because *[to be completed]*

1. Which inputs, if any, generated the most discussion within the small team?

Draft response: List discussion has occurred on the EWG Report and WHOIS Policy RT 2012 Report, citing both relevance and comprehensiveness. These are key inputs, but it was noted that those reports do not reflect full consensus. It was also noted that community has not yet commented on the EWG Final Report recommendations.

1. Which inputs may be obsolete or super-ceded by subsequent work?

Draft response: 2003 Whois Task Force Final Report was to some extent superceded by 2007 Whois Task Force Final Report. The same issue was taken up again by the WHOIS Policy RT in 2012, but all three reports are useful. *[added from 26/4 chat]*

1. What input gaps, if any, may need to be addressed later?

Draft response:

* The Whois Policy Review Team was expressly barred from looking at the purpose of the Whois system. It was allowed to look only at ICANN's "existing policy relating to WHOIS" per the Affirmation of Commitments signed between US Department of Commerce and ICANN in 2009.
* Even within that scope, the Whois Review Team Final Report expressly recommended protection of privacy for commercial companies, noncommercial organizations and individuals (finding that each shared with us legal and legitimate reasons for privacy including as-yet-unannounced mergers, new movie names, unpopular religious, ethnic and policy views, etc).
* Whois Review Team limited its recommendations to the above examples, but did not necessarily make a recommendation that embodies privacy for all possible commercial uses
* The Whois Review Team Final Report advised ICANN to work towards a standard of "contactability" - reaching the registrant by some means rather than all means - which we wrote as: "ICANN should take appropriate measures to reduce the number of WHOIS registrations that fall into the accuracy groups Substantial Failure and Full Failure (as defined by the NORC Data Accuracy Study, 2009/10..." p. 87.

1. Other key takeaways from this input inventory the team wishes to share with the WG

Draft response: *[to be completed]*

1. Please see ‘[**Plan to consolidate summaries and complete & present team outputs**](https://community.icann.org/download/attachments/58734473/RDS-InputTeams-Plan-12April-updated.pdf?version=1&modificationDate=1460488904000&api=v2)**’** for further details on the overall agreed approach for sub-teams. [↑](#footnote-ref-1)
2. Note, this does not mean that other inputs are not considered – this is just intended to facilitate the WG’s prioritization of documents to consider first in relation to the finalization of the work plan and subsequent deliberations. [↑](#footnote-ref-2)