

This Mind Map serves as a concise illustration of the fundamental questions and sub-questions detailed in the RDS PDP Charter and Issue Report. This map is a starting point. It can be adjusted as the WG agrees upon refinements to questions (including but not limited to sequencing) and adds new subquestions, inter-dependencies, further inputs, and detailed policies that should be "parked" for consideration during phases 2/3. This map is intended as a tool to help the WG better understand and reach agreement on fundamental questions to be addressed in phase 1 by providing an overall picture as well as an opportunity to start thinking about additional sub-questions and whether there are certain questions that need to be considered before being able to address other questions, etc.

Charter Questions

Sub-Questions

Sub-sub questions

Key inputs to be considered (all available at WG's wiki)



Examples of topics to be considered in phase 2/3

What are the fundamental requirements for gTLD Registration Data?

Key inputs: Whois Task Force Final Report; SAC054; EWG Recommendations, including FAQs and tutorials; RA Spec 4; RFC 7485. See <https://community.icann.org/x/p4xlAw> for summaries and check-list of documents.

Data Elements: What data should be collected, stored, and disclosed?

- 1. What are the guiding principles that should be applied to all data elements to determine whether they are mandatory/optional to collect, public/non-public to access, etc?
- Do existing gTLD registration data elements sufficiently meet the needs of purposes identified as permissible?
- Should any gTLD registration data elements be removed, revised, and/or added to meet those needs?
- Should gTLD registration data collection and access be based on permissible purposes, jurisdiction, applicable laws, registrant type, and/or other criteria?
- Defer to phase 2/3: Policies such as application of principles to each specific data element; guidance on how gTLD data elements map to EPP and RDAP.

Key inputs: SAC054; EWG recommendations, including statements; the EU Data Protection Directive 1995, Professor Greenleaf's two articles; Opinion 2/2003 on the Application of the Data Protection Principles to the Whois directories is the Article 29 Working Party's opinion; Thick Whois PDP report, and the legal review; Article 29 WP opinions, especially those directed at ICANN. See <https://community.icann.org/x/p4xlAw> for summaries and check-list of documents.

Privacy: What steps are needed to protect data and privacy?

- 1. What are the guiding principles that should be applied?
- Do existing gTLD registration directory services policies sufficiently address compliance with applicable data protection, privacy, and free speech laws within each jurisdiction?
- Do existing gTLD registration directory services policies sufficiently address the overall privacy needs of registrants and other stakeholders?
- What new or enhanced privacy approaches or levels should be used to overcome identified barriers to protection of gTLD registration data and registrant privacy and why?
- Defer to phase 2/3: Policies such as specific over-arching privacy policy for gTLD registration directory services or enhanced privacy options that may be built upon policies specified by the PPSAI PDP; guidance on application of data protection laws in each jurisdiction and how they apply to each registration data element.

Key inputs: EWG recommendations; 2012 WHOIS Policy Review Team Report; SAC055; 2007 GAC Communiqué; 2013 RAA; Article 29 WP opinion (02/2003); Article 29 WP correspondence on ICANN Procedure for Handling WHOIS Conflicts with Privacy Law (2007); Article 29 WP 217 Opinion 4/2014; Article 29 WP 203 Opinion 3/2013; SAC054, European Commission's webpages on "Obligations of Data Controllers" and "Definition of Data Controllers"; the EU Data Protection Directive; the Council of Europe Treaty 108; U.S. NTIA Green Paper: Improvement of Technical Management of Internet Names and Addresses (1998); White Paper: Management of Internet Names and Addresses, Statement of Policy (2012). See <https://community.icann.org/x/p4xlAw> for summaries and check-list of documents.

Users/Purposes: Who should have access to gTLD registration data and why

- 1. What are the guiding principles that should be used to determine permissible users and purposes, today and in the future?
- Should gTLD registration data be accessible for any purpose or only for specific purposes?
- For what specific purposes should gTLD registration data be collected, maintained, and made accessible? **Who should be permitted to use gTLD registration data for those purposes?**
- What should the over-arching purpose be of collecting, maintaining, and providing access to gTLD registration data?
- Defer to phase 2/3: Policies such as data elements accessible to each user/purpose; guidance on Terms of Service for each purpose

Key inputs: WHOIS TF, WHOIS Misuse Study, WHOIS Lookup Tool, Article 29 WP, EWG S4/AE, statements

Gated Access: What steps should be taken to control data access for each user/purpose?

- 1. What are the guiding principles that should be used to determine level(s) of access (including law enforcement access)?
- Should gTLD registration data be entirely public or should access be controlled?
- How many levels of access to gTLD registration data should be provided? (e.g. public, non-public, multi-tiered)
- Should access to gTLD registration data be based on authenticated requestor identity?
- Should access to gTLD registration data be based on requestor's purpose? Other criteria?
- Defer to phase 2/3: Policies such as authorised levels of access granted to each specific user/purpose and associated credentialing and anti-abuse policies; guidance on suitable access protocols and authentication methods.

Key inputs: WHOIS RT & TF, WHOIS ARS, WHOIS Accuracy Studies, EWG S5, statements, Contact Validation RFI, ccTLD Validation Survey

Data Accuracy: What steps should be taken to improve data accuracy?

- 1. What are the guiding principles that should be used to determine measures to ensure accuracy and mitigate inaccuracies?
- Is existing gTLD registration data sufficiently complete and accurate or should further policies be instituted to improve accuracy?
- What enhanced validation approaches or levels should be used to overcome barriers to gTLD registration contact accuracy and why?
- Defer to phase 2/3: Policies such as the extent to which each specific data element should be validated; guidance on validation systems or metrics for measuring accuracy.