Perrin comments on draft v.6 September 28 Statement of Purpose of Registration Data and Directory Service

Firstly, my apologies for missing the last two calls. During that time, this document appears to have changed significantly. I have a number of comments on this draft. I will summarize my concerns in these opening paragraphs, and offer a redline which helps to fix what I see as significant problems.

1. There are significant differences in the purpose of the collection, use, disclosure and retention of registrant data, and the purpose of an RDS directory service. The latter is a method of disclosing registration data, expeditiously and cheaply, to prospective users of the data. Collection does not equate to use and disclosure, it is a separate operation. Collection of data for the purpose of registration of a domain name ought to be (in data protection terms) an operation limited to the registrant and the registrar. Some data must be shared with registries, there is a list of data elements that must be shared in order to securely operate the domain name, separate RAA requirements demand escrow for the secure back up of the registration itself, but that is where the operational side of things ends. All other uses and disclosures are ancillary. So the creation of a directory to facilitate access to data (however accepted and/or justifiable for various reasons) is a different proposition. I am not comfortable in eliding[[1]](#footnote-1) the two. It is not sufficiently clear. The data protection supervisors have been asking ICANN for years to define the purpose of collection and the purpose of the directory, to elide the two does nothing to help answer that fundamental question. As I have said (with boring repetition, I am sure) the purpose of data elements is really the purpose of collecting, using, or disclosing certain data elements….and they are different. The purpose of the collection of a credit card number is to enable the registrant to pay the registrar for the domain, the purpose of releasing that data to a law enforcement officer is either to serve as evidence in the prosecution of a crime, or to assist in tracking down the real identity of an individual involved in a criminal activitiy, or the innocent victim of a criminal activity. So I would plead again that we not talk about the purpose of a data element loosely, as the purpose of a data element depends on the user. Were we to limit the focus of our discussions to the initial purpose of registration data (namely to allow an individual or organization to register a domain name) we would not have this confusion, but unfortunately we frequently elide the purpose of the beneficial registrant and the purpose of the potential users.
2. It is normal in data protection practice, or in performing privacy impact assessments, to refer to data maps. It would be useful to have a data map here, if we had one, we could see that data is collected by a registrar, various data is assigned to that registration by the registrar in the process of implementing the registration and making it live, and then passed on to the registries. Not all data in the file comes from the registrant but this does not deny the significant interest that the registrant has in the assigned data elements, as they pertain to his registration and may be used against him in the event of malfeasance. It is therefore important to clearly map out how this other data becomes part of the file and who is in control of that operation
3. One of the original goals of this exercise was to succinctly state the purpose of registration data. We came up with “The purpose of gTLD registration data is to provide information about the lifecycle of a domain name (as specified by ICANN’s [Diagram of gTLD Lifecycle](https://community.icann.org/download/attachments/61611153/gTLD-Lifecycle.pdf?version=1&modificationDate=1473789116546&api=v2)) to enable management of a domain name registration.” Now we have expanded the goals significantly, and in my view too much. I would stop at a) and I have provided explanations for my deletions inline.

**Draft Statement of Purpose for the Collection and Use of Registration Data, and a Potential Directory Service for the Disclosure of Registration Data**

Version 7, 27 September 2016

This statement is intended to define the purpose(s) of a potential Registration Directory Service (RDS) for generic top-level domain (gTLD) names. The statement is grouped into two categories: 1) Overall Goals for this Statement of Purpose; 2) Specific Purposes. To ensure that the purposes are understood in the appropriate context, a list of prerequisite conditions of purposes is also provided.

Note that it is important to make a distinction between the purpose(s) of the collection, use and disclosure of individual registration data elements[[2]](#footnote-2), versus the purpose(s) of a RDS, i.e., the system that may assemble, maintain, and provide or deny access to some or all of those data elements [and services related to them, if any.] This purpose statement is intended to focus on the purpose(s) of the RDS as a whole, although some overlap may be unavoidable.

Overall Goals for this Statement of Purpose

1. To set unambiguous boundaries for RDS policy requirements and RDS consensus policies).

Goals for each use or disclosure of RDS data

Consistency with ICANN’s mission

1. Consistency with other consensus policies that pertain to generic top-level domain (gTLD) names
2. Consistency with applicable laws

Specific Purposes for Registration Data and Registration Directory Services

1. A purpose of gTLD registration data is to provide information about the lifecycle of a domain name (as specified by ICANN’s [Diagram of gTLD Lifecycle](https://community.icann.org/download/attachments/61611153/gTLD-Lifecycle.pdf?version=1&modificationDate=1473789116546&api=v2)) to enable management of a domain name registration.
2. A purpose of a system to collect, maintain, and provide access to gTLD registration data (hereafter referred to as “the RDS”) is to provide information that is needed by authorized parties to operate a generic top-level domain name in the DNS.
3. Further potential purposes of the RDS include:
	1. To enable contact with registrants, registrars, (registries?), and proxy/privacy service providers associated with generic top-level domain names, for specific policy-defined purposes
	2. To enable release of accurate gTLD registration data that may not otherwise be publicly available, under specific and explicit policy-defined conditions
1. I am using the term “elide” here in the sense of merging together, contracting, as one normally uses the term in the context of speech where one slurs two words or syllables or consonants together. This is what we are doing with two entirely distinct and separate operations, which ought to be articulated carefully and separately. [↑](#footnote-ref-1)
2. Here, “registration data elements” refers to data about generic top-level domain names collected in the relationship between registrars to registries and in the relationship between registrars/registries and ICANN. [↑](#footnote-ref-2)