

EPDP FINAL REPORT DRAFT ISSUES AND COMMENTS

The RySG remains generally supportive of the Final Report, and continues to voice its support for approval of the Final Report of the Temporary Specification for gTLD Registration Data Expedited Policy Development Process. That being said, the RySG still retains some concerns with the drafting of the report, including a lack of clarity around some of its content, and wishes to formally raise these concerns on the record. The following comments detail the areas where:

- a) The language does not reflect consensus;
- b) The language requires clarification (i.e., where the RySG supports the spirit of the recommendation, but does not believe the language correctly captures the intent of the recommendation);
- c) The RySG does not agree to the language as written; and
- d) The RySG supports the language as written.

The RySG appreciates the work done in Phase 1 and looks forward to finalizing this Report and moving to the important work of Phase 2 of the EPDP, as outlined in the Charter.

High-level Comments

- 1) Annex D of the Draft Final Report contains the Workbooks created in the analysis phase of the EPDP's work to identify and scope the data processing activities associated with each of the Purposes. While the RySG acknowledges that the Workbooks have been a useful tool to understand the background and development of each Purpose, we wish to remind the drafters of the EPDP Team's agreement that the Workbooks would remain informational and would not be part of the Recommendations. To that end, the RySG highlights several instances in the Draft Final Report where the Workbooks are incorporated by reference. These references need to be removed. Where these references serve to incorporate agreed data sets or language, that information should be reflected in the body of that Recommendation as agreed-upon, standalone text.
- 2) The RySG remains of the opinion that the matters relating to Recommendation 2 have been adequately debated and are out of scope of this EPDP, as they relate to a future potential use, and not a current use of data. We expand on this point below.
- 3) The RySG does not believe Recommendation 27 reflects EPDP consensus and requires review and revision.

Comments by Recommendation

Recommendation 1

Comments by Purpose:

1) Purposes 1a & 1b

The RySG notes no issues with Purposes 1a & 1b and supports their inclusion in the Final Report without further comment.

2) Purpose 2

The RySG supports the inclusion of Purpose 2 in the Final Report.

However, the RySG notes that it expresses such support with the understanding, and continued reminder to the EPDP Team, that Purpose 2 does not qualify as a legal “Purpose” as defined in the GDPR. We also remind the EPDP Team of the advice of the European Data Protection Board¹, which cautions against conflating ICANN’s purposes with those of third parties. The RySG believes this conflation continues to be at the root of the confusion regarding Purpose 2.

Along with the above statement, we make the following observations:

- The RySG accepts the current Purpose 2 is a placeholder statement that may be impacted by additional analysis conducted during Phase 2.
- The RySG concurrently accepts that, regardless of the inclusion of Purpose 2, requests for disclosure may legally be made to all contracted parties under the terms of GDPR (Art 6(1)). We restate that such disclosure requests do not require a ‘Purpose’ for disclosure.
- We also accept that, in line with the GDPR, disclosure of data may only be granted where a requester establishes a valid legal basis, demonstrates sufficient necessity and, where applicable, that the balance of the data subject’s rights has been duly considered. Such a decision to disclose MUST lie solely with the Contracted Party of whom the request has been made.

Therefore, noting the above, the spirit of Purpose 2 remains agreeable to the RySG, and as such, we shall not seek to object to its publication in the final report.

3) Purpose 3

The RySG notes no issues with Purpose 3 and supports its inclusion in the Final Report without further comment.

4) Purpose 4

The RySG notes no issues with Purpose 4 and supports its inclusion in the Final Report without further comment.

5) Purpose 5

The RySG supports the inclusion of Purpose 5 in the Final Report.

However, we must note on the record that we believe that the inclusion of Purpose 5, in fact, creates further confusion, and we do not believe that it is a strictly necessary to include this Purpose.

¹ Letter from jelinek to marby, 5th July, 2018 - <https://www.icann.org/en/system/files/correspondence/jelinek-to-marby-05jul18-en.pdf>

Rather, Purpose 5 would, in our estimation, more appropriately be considered to be a secondary purpose, compatible with Purpose 1(b), as that Purpose relates to the processing of personal data to allow for the application of the relevant contracted party's terms, conditions, policies, and various contractual obligations including Consensus Policies; this necessarily includes the work of contractual compliance.

Inclusion of this as a "Primary" Purpose results in increased obligations in terms of notification and Privacy Policy inclusions for both Registries and Registrars in the data processing chain. On a more immediate note, Purpose 5 has created conceptual difficulty in the completion of its associated Workbook (namely, around whether it necessitates separate collection, transfer, retention, etc.), not to mention has caused some consternation to ICANN Compliance, as it struggles to understand its place in the data processing ecosphere.

6) Purpose 6:

The RySG supports the inclusion of Purpose 6 in the Final Report.

We do note however, similarly to Purpose 5 above, it is not strictly necessary to include Purpose 6 as a standalone or "Primary" Purpose. It would more appropriately be considered as a secondary purpose compatible with Purpose 1(b) and Purpose 3, as they relate to:

- a) the application of terms, conditions, policies, and various contractual obligations including Consensus Policies; and
- b) enabling communication with the registered name holder regarding issues with the domain.

Inclusion of Purpose 6 as a "Primary" Purpose also results in increased obligations in terms of notification and Privacy Policy inclusions for both Registries and Registrars in the data processing chain. Additionally, Purpose 6 has created conceptual difficulty in the completion of its associated Workbook (namely, around whether it necessitates separate collection, transfer, retention, etc.)

As with Purpose 5, the RySG is not opposed to the attempts at clarity provided by the inclusion of Purpose 6; however, we must note on the record that we do not believe that it is a strictly necessary inclusion.

7) Purpose 7:

The RySG notes no issues with Purpose 7 and supports its inclusion in the Final Report without further comment.

Recommendation 2

The RySG **does not agree to** Recommendation 2 and we continue to have concerns regarding its inclusion, both in content and in the procedure that led to its inclusion (pg. 37 - 39). The RySG believes that Recommendation #2 should be removed.

The RySG does not believe that Recommendation #2 reflects consensus among the EPDP Team. The inclusion of a Recommendation specifically to address an ICANN action, in the form of “research” by ICANN’s Office of the Chief Technology Officer (OCTO), was introduced very late in the drafting period and although discussed, was in no way agreed to by the full Team.

OCTO is a wholly inappropriate inclusion in the Draft Final Report for several reasons:

- ICANN itself stated that at present, OCTO does not require, or use, personal data in its research activities;
- A recommendation from the EPDP Team to consider or identify a Purpose for potential future uses of personal data by OCTO, directly contradicts GDPR requirements that Purposes not be speculative;
- Further, the inclusion of a Purpose for OCTO is outside of the scope of the EPDP’s work. The EPDP is chartered to accept, reject, or refine the Temporary Specification. The Temporary Specification provides baseline policy addressing the requirements outlined in Registry Agreements and Registrar Accreditation Agreements, with regard to the use of personal data. It’s been made clear that the use of any personal data by a Contracted Party that is not covered by the relevant RA or RAAs is the responsibility of the contracted party. For example, if a contracted party wanted to provide a service to customers that was outside the requirements of the base contract, that contracted party must create a justification for the use of that personal data in addition to the primary Purposes defined in the Draft Final Report. ICANN’s use of data via OCTO is exactly the same. If ICANN wishes to incorporate the use of personal data into its research efforts, it must develop a GDPR-compliant justification for that use;
- Finally, the background discussion in the Draft Final Report notes that the group did not reach consensus on including Recommendation #2 and that this issue would require further work. It is therefore not appropriate to include Recommendation #2 as a Recommendation. We believe the inclusion of the background text and minority statement addressing OCTO is unnecessary (p. 37 of the redline). We cannot see how this inclusion impacts the actual Purpose or Recommendation, and if anything, it only lends itself to further confusion and should be removed.

Recommendation 3

The RySG has no issue as with the inclusion of this language in the Final Report, but urges the EPDP Team to consider placing the statement under an appropriate heading, so as to avoid confusion at implementation.

The RySG does not believe that Recommendation #3 is, in reality, a “recommendation.” The language used identifies this more as a statement of intention, without serving a particular substantive purpose for implementation.

Recommendation 4

The RySG supports the inclusion of Recommendation #4 in the Final Report in light of the analysis and recommendation provided to the EPDP by outside counsel, Bird & Bird:

“In sum, because compliance with the Accuracy Principle is based on a reasonableness standard, ICANN and the relevant parties will be better placed to evaluate whether these procedures are sufficient. From our vantage point, as the procedures do require

affirmative steps that will help confirm accuracy, unless there is reason to believe these are insufficient, we see no clear requirement to review them.”

Recommendation 5

The RySG notes that the wording of this Recommendation is unclear. The text of the Recommendation notes that the provision of technical contact name, email, and phone number should be optional for the Registered Name holder to provide. The supporting text in the Draft Final Report then notes that there was not consensus on making it mandatory for Registrars to provide the option to the Registered Name Holder to provide the technical contact data. The Recommendation should include only the agreed text. Discussion of alternate options is not only confusing but unnecessary to a Final Report intended to provide consensus policy Recommendations.

Further, the citation of the Workbooks in Recommendation #5 should be removed. The agreed aggregate data set is presented in the text of the Recommendation as that was the agreed-upon text. **The Workbooks are informational and should not be incorporated by reference.**

In light of the inaccuracies in the draft language and some lack of clarity noted above with the report we **suggest the following modifications** to the Recommendation and accompanying chart for clarity:

The EPDP Team recommends that the data elements, representing the Aggregate Minimum Data Set, listed below are required to be collected by registrars, noting that the collection of some data elements is optional.

Data Elements Collected and Generated by Registrar	
Domain Name	REQUIRED to be collected from RNH
Registrar Whois Server	REQUIRED to be generated by Registrar
Registrar URL	REQUIRED to be generated by Registrar
Updated Date	REQUIRED to be generated by Registrar
Registrar Registration Expiration Date	REQUIRED to be generated by Registrar
Registrar	REQUIRED to be generated by Registrar
Registrar IANA ID	REQUIRED to be generated by Registrar
Registrar Abuse Contact Email	REQUIRED to be generated by Registrar
Registrar Abuse Contact Phone	REQUIRED to be generated by Registrar
Reseller	REQUIRED to be generated by Registrar IF applicable

Domain Status(es)	REQUIRED to be generated by Registrar
Registrant Fields	
· Name	REQUIRED to be collected from RNH
· Organization	OPTIONAL for RNH to provide and optional for Registrar to collect (as per recommendation 12)
· Street	REQUIRED to be collected from RNH
· City	REQUIRED to be collected from RNH
· State/province	REQUIRED to be collected from RNH
· Postal code	REQUIRED to be collected from RNH
· Country	REQUIRED to be collected from RNH
· Phone	REQUIRED to be collected from RNH
· Phone ext	OPTIONAL for RNH to provide, REQUIRED to be collected by Registrar IF provided
· Fax	OPTIONAL for RNH to provide, REQUIRED to be collected by Registrar IF provided
· Fax ext	OPTIONAL for RNH to provide, REQUIRED to be collected by Registrar IF provided
· Email	REQUIRED to be collected from RNH
Tech Fields	
· Name	OPTIONAL for Registrar to support AND OPTIONAL for RNH to provide ²
· Phone	OPTIONAL for Registrar to support AND OPTIONAL for RNH to provide
· Email	OPTIONAL for Registrar to support AND OPTIONAL for RNH to provide
Name Server	OPTIONAL for RNH to provide, REQUIRED to be collected by Registrar IF provided

² As per <https://mm.icann.org/pipermail/gnso-epdp-team/2019-February/001662.html>

DNSSEC	OPTIONAL for RNH to provide, REQUIRED to be collected by Registrar if provided
Name Server IP Address	OPTIONAL for RNH to provide, REQUIRED to be collected by Registrar if provided
Additional data elements as identified by Registry Operator in its registration policy	REQUIRED to be collected by Registrar IF applicable

For the purpose of the Technical contact, which is optional for the Registered Name Holder to provide (and if the Registrar provides this option), Registrars are to advise the Registered Name Holder at the time of registration that the Registered Name Holder is free to (1) designate the same person as the registrant (or its representative) as the technical contact; or (2) provide contact information which does not directly identify the technical contact person concerned.

Recommendation 6

The RySG supports the inclusion of Recommendation #6 in the Final Report without further comment.

Recommendation 7

The RySG notes that there were some inaccuracies and missing fields in the table and therefore this Recommendation does not reflect the consensus of the EPDP Team. The inclusion of the language *“Provided an appropriate legal basis exists”* in this recommendation is inconsistent with Purpose 1a and 1b, which in fact provide the legal basis for processing the aggregate minimum data set. This statement could be interpreted as meaning that each Contracted Party is required to then develop a new/separate legal basis apart from what is provided by Purpose 1a and 1b, which is not the case.

Further, the citation of the Workbooks in Recommendation #7 should be removed. The agreed aggregate data set is presented in the text of the Recommendation as that was the agreed-upon text. **The Workbooks are informational and should not be incorporated by reference.**

In light of the inaccuracies in the draft language and some lack of clarity noted above with the report we **suggest the following modifications** to the Recommendation and accompanying chart for clarity:

“The EPDP Team recommends that registrars are required to transfer the data elements listed below to the registry.

Data Elements Transferred from Registrar to Registry	
Domain Name	REQUIRED to be transferred from Registrar to Registry

Registrar Whois Server	REQUIRED to be transferred from Registrar to Registry
Registrar URL	REQUIRED to be transferred from Registrar to Registry
Updated Date	REQUIRED to be transferred from Registrar to Registry
Registrar Registration Expiration Date	OPTIONAL to be transferred based on Registry policies
Registrar	REQUIRED to be transferred from Registrar to Registry
Registrar IANA ID	REQUIRED to be transferred from Registrar to Registry
Registrar Abuse Contact Email	REQUIRED to be transferred from Registrar to Registry
Registrar Abuse Contact Phone	REQUIRED to be transferred from Registrar to Registry
Reseller	OPTIONAL to be transferred based on Registry policies
Domain Status(es)	REQUIRED to be transferred from Registrar to Registry
Registrant Fields	
· Name	REQUIRED to be transferred from Registrar to Registry IF Registry terms/conditions/policies require this data element
· Organization	OPTIONAL for RNH to provide, REQUIRED to be transferred from Registrar to Registry IF provided and IF Registry terms/conditions/policies require this data element
· Street	REQUIRED to be transferred from Registrar to Registry IF Registry terms/conditions/policies require this data element

· City	REQUIRED to be transferred from Registrar to Registry IF Registry terms/conditions/policies require this data element
· State/province	REQUIRED to be transferred from Registrar to Registry IF Registry terms/conditions/policies require this data element
· Postal code	REQUIRED to be transferred from Registrar to Registry IF Registry terms/conditions/policies require this data element
· Country	REQUIRED to be transferred from Registrar to Registry IF Registry terms/conditions/policies require this data element
· Phone	REQUIRED to be transferred from Registrar to Registry IF Registry terms/conditions/policies require this data element
· Phone ext	OPTIONAL for RNH to provide, REQUIRED to be transferred from Registrar to Registry IF provided and IF Registry terms/conditions/policies require this data element
· Fax	OPTIONAL for RNH to provide, REQUIRED to be transferred from Registrar to Registry IF provided and IF Registry terms/conditions/policies require this data element
· Fax ext	OPTIONAL for RNH to provide, REQUIRED to be transferred from Registrar to Registry IF provided and IF Registry terms/conditions/policies require this data element
· Email	Required to be transferred from Registrar to Registry IF Registry terms/conditions/policies require this data element
Tech Fields	
· Name	OPTIONAL for RNH to provide, REQUIRED to be transferred from Registrar to Registry IF provided and IF Registry terms/conditions/policies require this data element

· Phone	OPTIONAL for RNH to provide, REQUIRED to be transferred from Registrar to Registry IF provided and IF Registry terms/conditions/policies require this data element
· Email	OPTIONAL for RNH to provide, REQUIRED to be transferred from Registrar to Registry IF provided and IF Registry terms/conditions/policies require this data element
Name Server	OPTIONAL for RNH to provide, REQUIRED to be transferred from Registrar to Registry IF provided
DNSSEC	OPTIONAL for RNH to provide, REQUIRED to be transferred from Registrar to Registry IF provided
Name Server IP Address	OPTIONAL for RNH to provide, REQUIRED to be transferred from Registrar to Registry IF provided
· Additional data elements as identified by Registry Operator in its registration policy, such as (i) status as Registry Operator Affiliate or Trademark Licensee [.MICROSOFT]; (ii) membership in community [.ECO]; (iii) licensing, registration or appropriate permits (.PHARMACY, .LAW) place of domicile [.NYC]; (iv) business entity or activity [.BANK, .BOT]	REQUIRED to be transferred from Registrar to Registry IF Registry terms/conditions/policies require these data elements

Recommendation 8

The RySG notes a number of concerns with Recommendation #8, as follows:

Bullet One:

The RySG notes that the language has changed from “develop” to “enter into.” This change was not agreed within the EPDP Team. The text should maintain the agreed-upon EPDP position of “enter into.” The EPDP Team’s direction to enter into required Data Processing Agreements with the escrow providers, and not just to develop them, is absolutely necessary for compliance with the requirements of the GDPR.

Bullet Two:

The citation of the Workbooks in Recommendation #8 should be removed. The agreed aggregate data set is presented in the text of the Recommendation as that was the

agreed-upon text. **The Workbooks are informational and should not be incorporated by reference.**

Further, Bullet Two is overly complicated and should merely reference the Aggregate Minimum Data Set (i.e., that which the EPDP Team has agreed is necessary for the purpose of escrow / recovery of the Zone in the event of a triggering event). The current phrasing is incredibly complicated and will require extra focus at implementation, especially vis-a-vis ICANN's role as Controller.

Bullet Three:

Given the work of the EPDP Team, the RySG would note that escrow deposits should be limited to the Minimum Data Set (as defined by the EPDP Team). This Minimum Data Set is comprised of those data elements that are considered to be necessary for the registration of a Domain and as such for the reconstitution of the zone should an Escrow triggering event occur.

We note that any further changes that, may be considered necessary, should be deferred and tabled for review, and may be achieved, either by the contracted parties as per the envisaged agreements of Recommendation 19, or at the direction of the GNSO, as per Recommendation 27.

Recommendation 9

The RySG does not object to the intent of Recommendation 9.

We do however note that the recommendation does not reflect discussions surrounding the grounding reason for this recommendation. This was not meant to address Contractual Compliance scope / actions, it was meant to address conformity of existing contractual agreements with the recommendations contained within the intended consensus policy.

So we urge the ePDP team to ensure that our recommendation is properly framed to achieve that which was scoped.

- The RySG believes that this Recommendation is unclear. We are unsure how this relates to the specific question as posed in Charter question **(e1)**.
- The RySG clarifies that the current language within the Contracts already provides the appropriate scope for contractual compliance requests and subsequent transfer (E.g. Art 2.11 new GTLD Base Registry Agreement) .
- The only change required and thus the original concept and necessity grounding Recommendation 9 should be limited only to the ensuring that there are no unexpected incompatibilities with this intended consensus policy, that allow ICANN compliance to continue to perform their functions. The RySG does remind the ePDP that such matters will be reviewed and discerned as part of the negotiation and execution of the necessary legally binding data protection agreements between ICANN and CPs, which are already envisaged in Recommendation #19.

- Part 2 of the recommendation as written and the subsequent table creates confusion and is unnecessary considering the point raised above. The RySG therefore recommends the removal of Part 2.

The RySG will note however, by way of notice to ICANN Compliance, the Compliance Summary of Contractual Compliance Team Data Processing Activities document, as is currently referenced, does tend to be remain unclear as to the data elements required, and for what specific reasons. We would be supportive of the recommendation that the Compliance dept. create a more in-depth, and point-in-time assessment / data map? This is to ensure clarity for the CPs and Compliance and to prevent any Data Privacy barriers in their carrying out of their function.

Considering that there remain a lack of agreement regarding Tech Contact fields, the RySG notes that their continued inclusion in the tables, without clear qualifying language, is confusing and will likely cause issues at implementation.

Recommendation 10

The RySG notes no major issues with Recommendation #10 and supports its inclusion in the Final Report without further comment.

Recommendation 11

The RySG supports redaction of the 'CITY' field.

This statement is predicated on the Legal Memo from Bird & Bird³. Although we appreciate the ultimate conclusion of the memorandum was to suggest further review, specific to the context of the DNS was necessary, noting our considerations should be based on civil standards of liability (balance of probabilities), the memorandum does conclude that an enhanced risk to the privacy of the registered name holder does likely exist should the 'City' field be published. The lack of conclusion was in relation to the severity of the increased risk and thus is not determinative as to the presence of an increased risk or not.

Fundamentally the EPDP team should NOT create policy where such a policy knowingly increases the legal risk and financial to the Contracted Parties (and thus increasing the SSR risk generally) therefore, the 'CITY' field must be redacted.

The RySG, noting the above does believe that Recommendation 10 and 11 should be merged, with relevant footnotes as necessary.

Recommendation 12

The RySG notes minor issues with Recommendation #12 and supports its inclusion in the Final Report.

³<https://community.icann.org/download/attachments/102138857/ICANN%20-%20Memo%20on%20public%20ation%20of%20the%20City%20field%20%28130219%29.docx?version=1&modificationDate=1550152144000&api=v2>

In addition, we suggest the the implementation notes be updated to clarify that this is a Registrar obligation. For a Registry the obligation to publish is optional. Further, the final paragraph in the implementation advice does not distinguish Registry and Registrar and should make clear it is optional for Registry.

Recommendation 13

The RySG notes no major issues with Recommendation #13 and supports its inclusion in the Final Report without further comment.

Recommendation 14

The Registries have no issue with Recommendation #14, so long as it is clear that the permissive language that applies to Registrars, applies equally and independently to Registry Operators. Meaning, Registries may choose to not display or return privacy/proxy data as transferred to them from Registrars in response to an RDDS query.

Recommendation 15

The RySG notes no major issues with Recommendation #15 and supports its inclusion in the Final Report without further comment.

Recommendation 16

The RySG notes no major issues with Recommendation #16 and supports its inclusion in the Final Report without further comment.

Recommendation 17

Although the RySG supports the language in Recommendation #17, we do submit that it is confusing, and in the interests of clarity, simplicity and consistency, it should simply mirror the language of Recommendation #16. As such, we **suggest the following modifications**:

The EPDP Team recommends that Registrars and Registry Operators are permitted to differentiate between registrations of legal and natural persons, but are not obligated to do so.

Recommendation 18

Although the RySG supports Recommendation #18, we do not believe that the task of addressing the timeline to respond to disclosure requests should be deferred to the implementation phase. This does not reflect the consensus of the EPDP Team. We therefore suggest the removal of that suggestion from Recommendation #18.

The timeframe for responding to requests for disclosure should not be set during the implementation phase because it is a legal obligation of the Contracted Parties. ICANN should not be put in a position to enforce any such time limits, which are in effect, solely related to the disclosure request. A non-data subject disclosure request can vary greatly in complexity and require several procedural steps and substantive review and analysis under GDPR (i.e., legal advices, circumstances, balancing tests, etc.).

The RySG recalls that this question was to be flagged for further discussion of this matter to Phase 2, and does not support deferring this task to the implementation phase.

Recommendation 19

The RySG notes no major issues with Recommendation #19 and supports its inclusion in the Final Report without further comment.

Recommendation 20

The RySG notes no major issues with Recommendation #20 and supports its inclusion in the Final Report.

The RySG does, however, note that the roles and responsibilities outlined in the body of this Recommendation are not final and are subject to revision following the analysis required to establish the appropriate agreements per Recommendation #19.

Recommendation 21

The RySG does not object to Recommendation #21 and but notes some issues.

First, Recommendation #21 lacks a requirement to establish the appropriate agreements (i.e. legally binding data protection agreement) between URS provider and ICANN Org. In addition to the issues noted above at Recommendation #1 / Purpose 6, the RySG notes that this Recommendation really establishes a secondary purpose for those Registry Operators that participate in the URS in line with their agreements. This does not create a mandatory transfer of data Registries. It is understood that this Recommendation does not create a requirement by itself to transfer data from Registrar to Registry. If the data exists at the Registry, it would be provided per section 1, if it does not, the URS provider would go to the Registrar per section 2.

As explained below, Recommendation #21 should be moved in the order of recommendation to appear after the current Recommendation #23, as this recommendation is dependent on Recommendation #23.

Recommendation 22

The RySG notes no major issues with Recommendation #22 and supports its inclusion in the Final Report without further comment.

Recommendation 23

The RySG notes no major issues with Recommendation #23 and supports its inclusion in the Final Report, but stresses that Recommendation #23 should rank in priority to Recommendation #21. The order of the Recommendations should be changed to make #21 dependent upon current #23.

Recommendation 24

The RySG notes no major issues with Recommendation #24 and supports its inclusion in the Final Report without further comment.

Recommendation 25

The RySG note that, as written, Recommendation #25 seems completely redundant to Recommendation #24.

Recommendation 26

The RySG notes no major issues with Recommendation #26 and supports its inclusion in the Final Report without further comment.

Recommendation 27

The RySG does not believe Recommendation #27 reflects consensus of the EPDP Team. This recommendation should be for the GNSO Council to undertake a review of these policies. As worded it directs ICANN to make these changes which is inappropriate and out of ICANN's mandate.

For clarification, we suggest the following modifications:

"The EPDP Team recommends that the GNSO undertake a review of the below policies, and makes updates to the following existing policies / procedures, and any others that may have been omitted, to ensure consistency with these policy recommendations as, for example, a number of these refer to administrative and/or technical contact which will no longer be required data elements:"....

Recommendation 28:

The RySG notes no major issues with Recommendation #28 and supports its inclusion in the Final Report; however, the RySG notes that it is important that the GNSO Council determine what processes are appropriate within its scope and mandate.

Recommendation 29:

The RySG notes no major issues with Recommendation #29 and supports its inclusion in the Final Report.

The RySG also notes that the "Implementation Guidance" text is not part of the Recommendation as agreed. Its inclusion provides ambiguity and lacks clarity. The RySG recommends it be removed.