

EPDP Team F2F Meeting Day 1

Wednesday, 16 January 2019

Notes and Action Items

Outcomes from Day 1 – EPDP Team F2F – Toronto

Following review of public comments received, the EPDP Team agreed to include the below Purposes and Recommendations, as worded below, in its Final Report. No objections were registered.

Purpose 3

Update Purpose 3 to:

Enable communication with the Registered Name Holder on matters relating to the Registered Name.

Purpose 4

Update Purpose 4 to:

Provide mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a business or technical failure of a Registrar or Registry Operator, or unavailability of a Registrar or Registry Operator, as described in the RAA and RA, respectively.

Purpose 5

Update Purpose 5 to:

1) Handle contractual compliance monitoring requests and audit activities consistent with the terms of the registry agreement and the registrar accreditation agreements and any applicable data processing agreements, by processing specific data only as necessary;

2) Handle compliance complaints initiated by ICANN, or third parties consistent with the terms of the registry agreement and the registrar accreditation agreements.

Purpose 6

Update Purpose 6 to:

Operationalize policies for the resolution of disputes regarding or relating to the registration of domain names (as opposed to the use of such domain names, but including where such policies take into account use of the domain names), namely the UDRP, URS, PDDRP, RRDRP, and the TDRP.

Recommendation 6

Retain language from Initial Report as is:

The EPDP Team also recommends that the GNSO Council instructs the review of all RPMs PDP WG to consider, as part of its deliberations, whether there is a need to update existing requirements to clarify that a complainant must only be required to insert the publicly-available RDDS data for the domain name(s) at issue in its initial complaint. The EPDP Team also recommends the GNSO Council to instruct the RPMs PDP WG to consider whether upon receiving updated RDDS data (if any), the complainant must be given the opportunity to file an amended complaint containing the updated respondent information.

Recommendation 15

Update Recommendation 15 to:

The EPDP recommends that, except as provided below, for the new policy on gTLD registration data, the requirements of the Temp Spec are maintained in relation to URS and UDRP until such time as these are superseded by recommendations from the rpMs PDP WG and/or policies from the EPDP regarding disclosure: (i) Revise the second sentence of Section 1.2 of Appendix D to "In such an event, Complainant may file a [complaint against an unidentified Respondent] and the Provider shall provide [the Complainant with the] relevant contact details of the Registered Name Holder after being presented with a [complaint against an unidentified Respondent];

and (ii) Revise the second sentence of Section 1.2 of Appendix E to "In such an event, Complainant may file a [complaint against an unidentified Respondent] and the Provider shall provide [the Complainant with the] relevant contact details of the Registered Name Holder after being presented with a [complaint against an unidentified Respondent]."

Recommendation 17

Remove as policy recommendation from Final Report. Keep below text as action item in the Final Report.

The EPDP Team requests that when the EPDP Team commences its deliberations on a standardized access framework, a representative of the RPMs PDP WG shall provide an update on the current status of deliberations so that the EPDP Team may determine if/how the WG's recommendations may affect consideration of the URS and UDRP in the context of the standardized access framework deliberations.

Recommendation 18

Update Recommendation 18 to:

The EPDP Team recommends that ICANN Org must enter into appropriate data processing agreements with dispute resolution providers in which, amongst other items, the data retention period is specifically addressed.

Recommendation 19

Retain language from Initial Report as is:

The EPDP Team recommends that for the new policy on gTLD registration data, the requirements of the Temporary Specification are maintained in relation to the Transfer Policy until such time these are superseded by recommendations that may come out of the Transfer Policy review that is being undertaken by the GNSO Council.

Recommendation 20

Update Recommendation 20 to:

The EPDP Team recommends that the GNSO Council, as part of its review of the Transfer Policy, specifically requests the review of the implications, as well as adjustments, that may be needed to the Transfer Policy as a result of GDPR, with great urgency.

Recommendation 21

Retain language from Initial Report as is:

The EPDP Team recommends that ICANN Org enters into required data protection agreements such as a Data Processing Agreement (GDPR Art. 28) or Joint Controller Agreement (Art. 26), as appropriate, with the non-Contracted Party entities involved in registration data processing such as data escrow providers and EBERO providers. These agreements are expected to set out the relationship obligations and instructions for data processing between the different parties.

Action Items:

Action item #1: EPDP Team to provide recommendations / suggestions in relation to the Final Report content and formatting

Action item #2: RySG to submit proposed language to address the split of purpose 1 as soon as possible.

Action item #3: Kristina to consider input and suggest edits to purpose 7 for EPDP Team to review.

EPDP Team Outcomes Day 1

EPDP Team outcome of discussion on Purpose 3:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to the updated language as proposed by the small team, but at the same time check with legal counsel whether this is specific enough for a GDPR purpose.

EPDP Team outcome of discussion on Purpose 4:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to the following proposed updated language:
Provide mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a business or technical failure of a Registrar or Registry Operator, or unavailability of a Registrar or Registry Operator, as described in the Registrar Accreditation Agreement and Registry Agreement, respectively.

EPDP Team outcome of discussion on Purpose 5:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to the updated language proposed by the small team:
1) Handle contractual compliance monitoring requests and audit activities consistent with the terms of the registry agreement and the registrar accreditation agreements and any applicable data processing agreements, by processing specific data only as necessary;
2) Handle compliance complaints initiated by ICANN, or third parties consistent with the terms of the registry agreement and the registrar accreditation agreements.

EPDP Team outcome of discussion on Purpose 6:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to the following updated language:
Operationalize policies for resolution of disputes regarding or relating to the registration of domain names (as opposed to the use of such domain names, but including where such policies take into account use of the domain names), namely, the UDRP, URS, PDDRP, RRDRP, and the TDRP.

EPDP Team outcome of discussion on Recommendation 16:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to keeping the proposed recommendation as is in the Initial Report.

EPDP Team outcome of discussion on Recommendation 19:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to keeping the proposed recommendation as is.

EPDP Team outcome of discussion on Recommendation 20:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to the following updated language: The EPDP Team recommends that the GNSO Council, as part of its review of the Transfer Policy, specifically requests the review of the implications, as well as adjustments, that may be needed to the Transfer Policy as a result of GDPR, with great urgency.

EPDP Team outcome of discussion on Recommendation 21:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to keeping the proposed recommendation as is.

EPDP Team outcome of discussion on Recommendation 15:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to the following proposed updated language:

The EPDP recommends that, except as provided below, for the new policy on gTLD registration data, the requirements of the Temp Spec are maintained in relation to URS and UDRP until such time as these are superseded by recommendations from the RPMs PDP WG and/or policies from the EPDP regarding disclosure: (i) Revise the second sentence of Section 1.2 of Appendix D to "In such an event, Complainant may file a [complaint against an unidentified Respondent] and the Provider shall provide [the Complainant with the] relevant contact details for the Registered Name Holder after being presented with a [complaint against an unidentified Respondent]."

EPDP Team outcome of discussion on Recommendation 17:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objection noted to the proposal from the small team to remove this as a policy recommendation, but include it in the body of the Final Report under recommendations related to URS/UDRP.

Questions for ICANN Org from the EPDP Team: None

Notes & Action items

These high-level notes are designed to help the EPDP Team navigate through the content of the call and are not meant as a substitute for the transcript and/or recording. The MP3, transcript, and chat are provided separately and are posted on the wiki at: <https://community.icann.org/x/ZwPVBQ>

8.30 – 9.15

[Welcome, Meeting Organization, & Process Overview \(Timeline, Final Report, Phase 2, Consensus Calls\)](#)

See agenda distributed (https://community.icann.org/x/sAn_BQ)

- Focus for day 1 is on the topics addressed by small team items – assigned seating has been put in place to facilitate input from teams vs. individual perspectives.
- Focus for day 2 is on those items that were rated high in the poll – expected to be the more difficult topics.
- Focus for day 3 is some of the remaining items and allow for the flexibility of spillover of topics, if needed.

Introduction of Ruth Boardman

- Legal Counsel, Bird and Bird. Heads privacy practice. Extensive experience in the area of privacy from different angles.
- Has read a lot of background materials to get up to speed, incl. Temp Spec and Initial Report. Noted progress made in the Initial Report in clarifying purposes and legal basis – lot of productive work has gone into that. Here to assist in taking this work forward.

Process Issues

Final Report

- The staff support team has already made the administrative updates to turn the Initial Report in the Final Report – the main change consists of adding a section that addresses the public comment forum and changing Initial to Final.
- The main updates will come as a result of the team's work here in Toronto.
- We propose to share the draft Final Report immediately after this meeting, so you can start your review and propose edits in a similar way as was done for the Initial Report.
- In the meantime, please submit recommendations / suggestions you have regarding Final Report content and formatting are welcome.

Action item #1: EPDP Team to provide recommendations / suggestions in relation to the Final Report content and formatting

Timeline

- Still working towards a deadline of 1 February for publication of the Final Report, but obviously a lot depends on the progress made here in the next few days. As such, we propose to come back to this by the end of day 3.
- Phase 2: expected to start immediately following completion of phase 1. Charter calls for gating questions to be answered and non-objection from GNSO Council. However, foundational work can start as soon as work on phase 1 has been completed.

Consensus calls

- Timing – no consensus calls at this meeting, but may 'practice' with the initial recommendations, hoping for full agreement of people in the room. Follow up with written confirmation which would include designation of support the Chair.
- Objective is to achieve full consensus on as many recommendations as possible.
- Not helpful to discuss at this stage what would happen in what circumstance as it would only result in further speculation.

Implementation Gap

- Some of you have requested to discuss and develop recommendation for addressing the period of time between the Temporary Specification's May 25 expiration and implementation of the remaining EPDP WG policy recommendations approved by the Board. This was also a specific area that was called out in the Initial Report as one requiring Org input on the options to bridge this potential gap.
- This is not necessarily in the hands of this team, although one of the options could be adoption of Temp Spec as an interim policy.

Parking lot / Phase 2 items

- Some of you have referred to this as the 'parking lot' but we do want to be clear that phase 2 items are part of the EPDP Team's charter and the different topics are spelled out. However,

that does not mean that the EPDP Team couldn't suggest to the GNSO Council that additional topics should be added to phase 2.

- The parking lot issues that were captured (accuracy, Legal V Natural, Purpose O, DRP/ICANN agreements, JCAs) are not yet closed but all have homes.

ICANN Org Questions

- As you know, ICANN Org put forward a number of questions in conjunction with a comparison to the Temporary Specification. The leadership has gone through these items and developed a couple of proposed responses as well as identified a number of topics that may need further consideration that we have added to our list of items for discussion.
- It may be helpful to have a small group of people review this draft and then come back to the full group with proposed responses as well as items that may require further consideration? As noted, many of the items on the list are already part of the agenda although there are a couple issues that we may need to address further.

Comments:

- Final report – aim for brevity and focus. Step back from the detail and go back to the statement work and can concisely show the work that has been undertaken.
- Need to be focused here on getting to the Final Report. Agenda is focused on key issues in front of us, but shouldn't forget about the objective of delivering a Final Report.
- Not only how consensus is determined, but also what we are going to determine consensus on. How to break out recommendations in the Final Report? Phase 1 Final Report should be replacing the Temporary Spec so need to look at what is necessary now and what can be done in phase 2.
- Need to respect the different perspectives and views.
- Cannot leave Toronto without an answer on bridging gap between implementation of policy recommendations and expiry of Temporary Specification.
- Objective of EPDP Team is to produce policy recommendations, implementation is typically conducted in next phase. Nevertheless, the more specific the EPDP Team can be about its recommendations and implementation guidance, the easier it will be to implement it subsequently.

9.15 – 10:00

Opening Thoughts

Chair Kurt Pritz

- It is not about winners and losers, it is about what you need and what the other parties need. Should be our objective. How to solve collective problem?
- What does success look like and what does lack of success look like? No agreement will result in uncertainty and different approaches by contracted parties. MSM may not be seen as effective tool to address difficult issues. Need to think beyond impact of just solving for EPDP.
- Factor in the investment that everyone has made – should be able to use this as an example of success.
- Need to be proud of the work that has been undertaken to date.

CBI - Gina Bartlett and David Plumb

- The success of this stands and falls with you. Have heard the process suggestions – blend feedback with best practices.
- Will test if groups can live with agreements, driving to Final Report.
- We have the tools to work constructively together -- we have shown that we can make great progress
- Mantras for agreement building: Prioritize, Joint problem solving, be creative
- Share the floor, be present, build alignment in your groups
- Aim to get through quickly through items were small teams agreed on the proposed approach and then leave sufficient time for the more difficult issues.

10.00-11.30

Purposes - Agreements from Small Teams (with break at appropriate time)

Small teams reviewed comments and concerns expressed during the public comment period. Question for EPDP Team – were the comments brought up in the public comment sufficiently addressed by the small team? No repeats.

- Purpose 3 - Enable communication with RNH

Initial Report Language:

Enable communication with and/or notification to the Registered Name Holder and/or their delegated agents of technical and/or administrative issues with a Registered Name

Proposed Updated Language:

Enable communication with the Registered Name Holder on matters relating to the Registered Name.

Discussion:

Need to state answers to two questions:

Are there any comments that remain outstanding? Is this an appropriate response to the comments?

How is Tech contact addressed – was discussed by small team, matters could incorporate any issue as well, also, understanding that RNH could delegate as needed.

Should it be matters related to the registered domain name? No, not supported.

Should a footnote be considered to clarify that RNH can delegate responsibilities?

Should 'matters' be qualified? For example by adding 'legal and administrative issues' or 'adding by in line with ICANN's scope and mission'?

Need to avoid drafting on the fly – need to set high bar for further changes to small team work.

Note objections and then check at the end whether those objections still stand.

Consider consulting with legal counsel whether language is specific enough.

EPDP Team outcome of discussion on Purpose 3:

Concerns expressed in the public comment period are considered sufficiently considered and addressed.

No objections recorded to the updated language as proposed by the small team and agreement to 'live with it', but at the same time check with legal counsel whether this is specific enough for a GDPR purpose.

- Purpose 4- Safeguarding RNH's Registration Data

Initial Report Language:

Provide mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a business or technical failure, or other unavailability of a Registrar or Registry Operator.

Proposed Updated Language by small team:

Provide mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a business or technical failure of a Registrar or Registry Operator, or unavailability of a Registrar or Registry Operator, as defined in the Registrar Accreditation Agreement and Registry Agreement, respectively.

- Proposal to update 'defined' to 'described' as there is no definition of unavailability in the agreements. No objections noted to this change.

EPDP Team outcome of discussion on Purpose 4:

Concerns expressed in the public comment period are considered sufficiently considered and addressed.

No objections recorded to the following proposed updated language:

Provide mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a business or technical failure of a Registrar or Registry Operator, or unavailability of a Registrar or Registry Operator, as described in the Registrar Accreditation Agreement and Registry Agreement, respectively.

- Purpose 5 - Handling Contractual Compliance

Initial Report Language:

Handle contractual compliance monitoring requests, audits, and complaints submitted by Registry Operators, Registrars, Registered Name Holders, and other Internet users.

Proposed Updated Language:

- 1) Handle contractual compliance monitoring requests and audit activities consistent with the terms of the registry agreement and the registrar accreditation agreements and any applicable data processing agreements, by processing specific data only as necessary;
- 2) Handle compliance complaints initiated by ICANN, or third parties consistent with the terms of the registry agreement and the registrar accreditation agreements.

- What was the rationale for splitting it out in two parts? Now there are repetitions. Reason for splitting them out is two different activities that compliance undertakes (1) enforcement of contracts and ability of audit, 2) separate processing activity is responding to complaints. Two different processing activities which should be reflected as such.
- Why is there a reference to audit 'activities'. 'Only as necessary' – who defines what is necessary.

EPDP Team outcome of discussion on Purpose 5:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to the updated language proposed by the small team:

- 1) Handle contractual compliance monitoring requests and audit activities consistent with the terms of the registry agreement and the registrar accreditation agreements and any applicable data processing agreements, by processing specific data only as necessary;
- 2) Handle compliance complaints initiated by ICANN, or third parties consistent with the terms of the registry agreement and the registrar accreditation agreements.

- Purpose 6 - Resolution of DRPs

Initial Report Language:

Coordinate, operationalize, and facilitate policies for resolution of disputes regarding or relating to the registration of domain names (as opposed to the use of such domain names), namely, the UDRP, URS, PDDRP, RRDRP, and future developed domain name registration-related dispute procedures for which it is established that the processing of personal data is necessary

Proposed Updated Language:

Coordinate, operationalize, and facilitate policies for resolution of disputes regarding or relating to the registration of domain names (as opposed to the use of such domain names, [but including where such policies take into account use of the domain names]), namely, the UDRP, URS, PDDRP, RRDRP, [and the TDRP.]

- EPDP Team deliberated on some of the open issues identified by the small team and noted no objections to including the additional language as suggested by the small team in the parenthetical and addition of TDRP.
- The EPDP Team deliberated on the use of the different verbs – different perspectives were expressed in relation to whether certain verbs were necessary and why. Agreement to remove coordinate and facilitate.
- More work will need to be undertaken to ensure that the data elements workbooks are consistent.

EPDP Team outcome of discussion on Purpose 6:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to the following updated language:

Operationalize policies for resolution of disputes regarding or relating to the registration of domain names (as opposed to the use of such domain names, but including where such policies take into account use of the domain names), namely, the UDRP, URS, PDDRP, RRDRP, and the TDRP.

11.30-12.30

Finalize Recommendations with No Changes (from Small Teams)

- Recommendation 16 - Instructions for RPM PDP WG

EPDP Team outcome of discussion on Recommendation 16:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to keeping the proposed recommendation as is in the Initial Report.

- Recommendation 19 - Transfer Policy

EPDP Team outcome of discussion on Recommendation 19:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to keeping the proposed recommendation as is.

- Recommendation 20 - Input to the Transfer Policy review
- Note that new policies should include thinking about security
- SSAC to consider flagging to GNSO Council specific issues identified that should be considered in the context of the Transfer Review.
- Consider indicating to the GNSO Council that this is a matter that should be addressed with great urgency. Consider adding word 'duly'?

The EPDP Team recommends that the GNSO Council, as part of its review of the Transfer Policy, specifically requests the review of the implications, as well as adjustments, that may be needed to the Transfer Policy as a result of GDPR, with great urgency.

EPDP Team outcome of discussion on Recommendation 20:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to the following updated language: The EPDP Team recommends that the GNSO Council, as part of its review of the Transfer Policy, specifically requests the review of the implications, as well as adjustments, that may be needed to the Transfer Policy as a result of GDPR, with great urgency.

- Recommendation 21 - Data processing agreements with non-Contracted Party entities involved in registration data processing

EPDP Team outcome of discussion on Recommendation 21:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to keeping the proposed recommendation as is.

12.30 – 13.30 Lunch Break - At Mizzen

13.30 – 14.15

Finalize Recommendations with Updates to Address Concerns in the Public Comments (from Small Teams)

- Recommendation 15 – URS/UDRP

Initial Report Language:

The EPDP recommends that for the new policy on gTLD registration data, the requirements of the Temporary Specification are maintained in relation to URS and UDRP until such time as these are superseded by recommendations from the RPMs PDP WG (if any).

Proposed Small Team Approach:

- a. Small Team A agreed to preserve the text of the recommendation, with the following exception to the language of the Temporary Specification. (Please see below.)
- b. Small Team A considered comments by URS and UDRP Providers (PCRT #9-10), and agree the proposed updates to the Temporary Specification detailed below should be considered by the EPDP Team. The update language appears in brackets for ease of reference.

Current Language (Temp Spec, Appendix D, Section 1.2)

"...In such an event, Complainant may file a "Doe" complaint and the Examiner shall provide the relevant contact details of the Registered Name Holder after being presented with a "Doe" complaint."

Proposed Language (Temp Spec, Appendix D, Section 1.2): "...In such an event, Complainant may file [a complaint against an unidentified Respondent] and the Provider shall provide [the Complainant with the] relevant contact details of the Registered Name Holder after being presented with a [complaint against an unidentified Respondent]."

Current Language (Temp Spec, Appendix E, Section 1.2)

"...In such an event, Complainant may file a "Doe" complaint and the Provider shall provide the relevant contact details of the Registered Name Holder after being presented with a "Doe" complaint."

Proposed Language (Temp Spec, Appendix E, Section 1.2): "...In such an event, Complainant may file [a complaint against an unidentified Respondent] and the Provider shall provide [the Complainant with the] relevant contact details of the Registered Name Holder after being presented with a [complaint against an unidentified Respondent]."

- No agreement to this change in the small team but to bring it in front of the EPDP Team.
- Concerns expressed that this concerns an access/disclosure issue which should be dealt with in the appropriate conversations.
- Reference to "John Doe" is a very American term – if changes are made, should consider using more general term.
- UDRP providers have indicated that this is causing issues and as such should be addressed.
- Should also link with recommendation on having appropriate data processing agreements for DRP providers?

Regarding comments about access to registration data for the purpose of assessing the merits of a UDRP Complaint (3, 5, 8, 11 of PCRT): Small Team A proposes to preserve these comments for the Access discussion in Phase 2 - at which point the EPDP Team can decide if the concerns are appropriately within scope, and if so, how to address the concerns.

EPDP Team outcome of discussion on Recommendation 15:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objections recorded to the following proposed updated language:

The EPDP recommends that, except as provided below, for the new policy on gTLD registration data, the requirements of the Temp Spec are maintained in relation to URS and UDRP until such time as these are superseded by recommendations from the RPMs PDP WG and/or policies from the EPDP regarding

disclosure: (i) Revise the second sentence of Section 1.2 of Appendix D to "In such an event, Complainant may file a [complaint against an unidentified Respondent] and the Provider shall provide [the Complainant with the] relevant contact details for the Registered Name Holder after being presented with a [complaint against an unidentified Respondent].

- Recommendation 17 - Input from RPM PDP WG to inform subsequent access discussion

Initial Report Language:

The EPDP Team requests that when the EPDP Team commences its deliberations on a standardized access framework, a representative of the RPMs PDP WG shall provide an update on the current status of deliberations so that the EPDP Team may determine if/how the WG's recommendations may affect consideration of the URS and UDRP in the context of the standardized access framework deliberations.

Proposed Updated Language:

The EPDP Team requests that when the EPDP Team commences its deliberations on a standardized access framework, a representative of the RPMs PDP WG shall provide an update on the current status of deliberations so that the EPDP Team may determine if/how the WG's recommendations may affect consideration of the URS and UDRP in the context of the standardized access framework deliberations.

Note: this language will be removed as a policy recommendation but included in the body of the Final Report under recommendations related to the URS/UDRP.

- Make sure to reflect this appropriately in the Final Report – not as part of any recommendation..
- Should URS/UDRP Providers also be consulted – understanding that these would participate in the RPM PDP but not required to brief the EPDP Team.

EPDP Team outcome of discussion on Recommendation 17:

Concerns expressed in the public comment period are considered sufficiently considered and addressed. No objection noted to the proposal from the small team to remove this as a policy recommendation, but include it in the body of the Final Report under recommendations related to URS/UDRP.

- Recommendation 18 - Data processing agreements with dispute resolution providers

Initial Report Language:

The EPDP Team recommends that ICANN Org must enter into data processing agreements with dispute resolution providers in which, amongst other items, the data retention period is specifically addressed, as this will affect the ability to have publicly available decisions.

Proposed Updated Language:

The EPDP Team recommends that ICANN Org must enter into data processing agreements with dispute resolution providers in which, amongst other items, the data retention period is specifically addressed.

- Consider changing data processing agreements to 'appropriate' data processing agreements.

- Should this be made consistent with recommendation #21 so that it says data protection agreements? This would also allow for more flexibility. It was the understanding that the objective of the EPDP was to direct DRPs how data is managed and handled – if this is so, better to specific reference to data processing agreements. At the end it is a matter of law that determines what the appropriate arrangement is, not preference. Should be further explored during implementation what the appropriate arrangement is.
- IRT should have the flexibility to adjust based on legal analysis that may be conducted, if it is indicated that a different type of agreement is called for.
- Has sufficient analysis been undertaken to make this determination? May need to further review the roles & responsibilities.
- Retention period here is different from that one referred to in recommendation 11 as this relates to data that DRPs need to retain in the context of UDRP and URS.
- Consider adding a disclaimer that a final decision is subject to legal advice or as appropriate.
- Consider removing 'data processing and just refer to 'appropriate agreements'

EPDP Team outcome of discussion on Recommendation 18:

Concerns expressed in the public comment period are considered sufficiently considered and addressed.

No objections noted to the proposed updated language:

The EPDP Team recommends that ICANN Org must enter into data processing agreements, as appropriate, with dispute resolution providers in which, amongst other items, the data retention period is specifically addressed.

14.15-14.45

- Finalize Purpose 1 - Establish the rights of Registered Name Holder
- See concerns discussion table
- Note previous discussion in relation to this purpose
- RySG is developing draft of rationale for splitting up as well as related data element workbooks. Currently these do not include transfer of data from registrar to registries – this was an issue for some but not all registries as there are very different models. Can this be accomplished under one purpose or would it be better to have different ones. Pure technical activation functions on the one hand, with the variations from Registry to Registry would be covered in the other purpose. What data elements would be different – important to identify that? Could this be addressed by adding specific processing activities to the data elements workbooks. If it is split, should refer to 'as subject to Registry and Registrar terms, conditions and policies, and ICANN Consensus Policies. No objections noted to the proposed split.
- How to address comments in relation to adding 'obligations'? Consider adding 'benefits and responsibilities' in the second part of the recommendation following the split which aligns with language that has been used in the ICANN context. Some expressed concern about adding 'obligations' as it relates to third party interests. To whom are those obligations or responsibilities – this is not covering registries and registrars but third parties, as such it does not belong here.

EPDP Team outcome of discussion on Purpose 1:

- To be further considered following provision of proposed split language by RySG.

Action item #2 – RySG to submit proposed language to address the split of purpose 1 as soon as possible.

14.45-15.15

- Finalize Purpose 7 - gTLD registration policy eligibility criteria
- See concerns discussion table
- Note previous discussion in relation to this purpose
- Question for team: which concerns merit group discussion? Specifically, do any of the concerns present new information the EPDP Team has not discussed during its formulation of this purpose or recommendation?
- Should voluntarily and optional be removed? Was added to make clear that it refers to criteria which are not imposed by ICANN but to which the registry operator has voluntarily agreed.
- Is at times part of ICANN contracts and certain registries do require making it publicly available to demonstrate that registrant meets the criteria.
- Consider clarifying that RNH in certain TLDs will be required to meet eligibility criteria. Possible rewording: "Enabling registrars and registry operators to confirm that a registered name holder meets registration policy eligibility criteria required by the registry operator."
- Proposal for deletion – if this is a voluntary decision, should be a registry purpose. Concern about potential disclosure of personal information. This is about collection and processing, not necessarily disclosure or publishing. RDDS concerns should be addressed separately.
- Why should this be part of our purposes if it is optional? It concerns a voluntary commitment which turns then into a contractual obligation.
- Proposal to add: consider incorporating voluntary adopted by the registry operator AND incorporated in the Registry agreement. Adding this clarification takes away concerns that this is not an ICANN purpose.

Action item #3: Kristina to consider input and suggest edits to purpose 7 for EPDP Team to review.

15.15 – 15.45

Email Break

15.45 – 16.30

Recommendation 1 - Discuss Comments on Proposed New Purposes

- See concerns discussion table
- EPD Team to consider which proposed additional purposes require further consideration.

time permitting

16.30-17.00

Finalize Recommendation 5 - Data Elements to be transferred from Registrars to Registries

17:00 – 17.30

Recap Outcomes and Confirm Approach for Day 2

19.00 – 22.00 EPDP Team Dinner - Regatta (with outside view - Westin Harbour Castle hotel)