**RECOMMENDATION 1 (Other Concerns/Additional Purposes)**

The EPDP Team recommends that the following purposes for processing gTLD Registration Data form the basis of the new ICANN policy <refer to Initial Report pp. 5-6>.

***Disclaimer:*** *This overview has been developed to facilitate the EPDP Team’s consideration of the concerns expressed and possible updates to the recommendations. However, this does not replace the EPDP Team’s obligation to review all input received in full and to indicate if any concerns in this overview have inadvertently been mischaracterized.*

**Noted Concerns**

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| **Concern** | **Corresponding PCRT Comment #** | **Further Discussion Required?** |
| Activities like the WHOIS Accuracy Reporting System (ARS) and the use of the WHOIS registration data by the office of the chief technology officer (OCTO) for training and outreach are not fulfilled through the aforementioned purposes. ICANN needs to continuously advance its operational and administrative role in relation to the stability, reliability, and security of the Internet and to do so research is needed. Therefore, ALAC recommends adding additional purposes that can address the aforementioned needs. | 2 (ALAC) | Yes/No |
| The EPDP Team must revisit each of the workbooks and conduct a proper and thorough analysis of all processing activities and each data element identified as being required to fulfill every purpose. In addition, the RySG continues to advocate for a data audit and mapping approach to determining purposes and the roles and responsibilities of involved parties. This important analysis is still absent. | 3 (RySG) | Yes/No |
| While there may be other terms in these contracts with Registered Name Holders aimed at allowing registrars to maintain a customer relationship (process payments in exchange for domain names), where ICANN determines the purposes and means of the processing of personal data for, things like WHOIS or escrow, ICANN is clearly a controller and the registrar a processor for the control. The activity of registry and registrar - in this light - also serves other purposes beyond the mere domain registration for customers, in particular also with regard to the functionality of the technical infrastructure as such. Registrar and registry therefore also have to a certain extent a regulatory function, which for example may include participation in the prosecution of legal infringements committed under usage of this ecosystem. Against this background we would consider processing of data for the purpose of maintaining security measures or technical analysis (also operated by third party providers) as likely (depending on the individual case) being justified under Art. 6 (1) lit. f) GDPR." (emphasis added | 4 (BC) | Yes/No |
| There are no additional purposes we would like to suggest. Our comment relates to the purposes as defined in this document. We regard it as necessary to test the language of the purposes against the overall package of recommendations that the EPDP will come up with to ensure that all recommended processing activities are adequately reflected in a purpose that passes the test of GDPR requirements. Also, it shall be noted and made explicitly clear in the final report that the purposes and related processing activities only cover those areas that shall be governed by ICANN’s policies and thus be made part of ICANN’s contracts and be enforced accordingly | 7, ISPCP, Association of the Internet Industry | Yes/No |
| New proposed purpose:  A new purpose to address the needs and benefits provided by DNS security and stability research conducted through publication of reports on threats to the operational stability, reliability, security, global interoperability, resilience, and openness of the DNS, and on the accuracy of WHOIS.  [OCTO Research: ICANN is responsible for the DNS which includes fully understanding all aspects of it. Activities may include addressing DNS threats and potentially developing an evolution of it or a dissimilar replacement. To do that it needs to have access to all aspects of the DNS. If ICANN were a typical controller, it would have access to all of the data to begin with, and this would be covered under Recital 50 (secondary processing provisions), but since ICANN is not in possession of the data, we must make sure that it has suitable access.]  [Support clarification of purposes to include research of DNS abuse since this falls squarely within ICANN’s mission and is one of the primary bases for the obligation of registrars to collect registrant data insofar as ICANN is concerned.] | 8, 10, 11, 14, 20, 21, 22, 23 (BC, ALAC, MarkMonitor, Microsoft, COA, INTA, SSAC, GAC, IPC | Yes/No |
| New proposed purpose:  Enable ICANN to conduct operations, facilitate activities, and implement consensus policies (adopted in accordance with the ICANN Bylaws) consistent with its mission of furthering the operational stability, reliability, global interoperability, resilience and openness of the DNS | 8, 11, 14 (BC, MarkMonitor, Microsoft, COA) |  |
| Proposed new purposes:  1. Mitigation of Domain Name Abuse.  2. To improve consumer trust in the Domain Name System | 9, Internet Society India Chennai | Yes/No |
| New Purpose: ARS: The ARS was instituted in response to a recommendation of the WHOIS Review Team related to the accuracy of registration contact data. Studies had shown that there was a significant issue with data accuracy. Every 6 months (pre the Temp Spec) the ARS samples randomly selected gTLD registrations and tests the contact information for accuracy using a number of criteria. Those failing accuracy tests are passed to Contractual Compliance. In recent cycles, about 40% of all records samples have at least one contact entry that fails validation. Under the 2013 RAA, new registrations, those transferred to a new registrar, or those where there is a voluntary change of contact information must pass specific validation and verification test, but the vast majority of registrations have not been subject to such tests (an estimated 180,000,000). Under GDPR data must be accurate for the purpose under which it is processed. Purpose 2 and 6 both pass contact data to parties who have an expectation of accuracy and there is no way to understand whether this is being done without accuracy monitoring. | 10, ALAC | Yes/No |
| Additional Purpose 1: Promoting the transparency, accountability, and trust necessary to ensure a safe, secure, and supportive environment online for communication, commerce, innovation, and creativity—such as by combating illicit online conduct and ensuring public safety, consumer protection, law enforcement, dispute resolution, protection of intellectual property, prevention of domain name abuse, and enforcement of rights—as well as to provide access to third-parties and law enforcement authorities for such purposes.  Additional Purpose 2: To facilitate analysis regarding misuse of domain names in deciding whether to create additional gTLDs, as well as to create or amend policies regarding the misuse of gTLDs. | 12, MPAA | Yes/No |
| Establishing the provenance and ownership history of a domain name is critical. Thus, "transfer" and "recovery" should be explicitly added within the aforementioned text (need not be a separate purpose but can be appended to existing points).  Research and Journalism should also be explicitly permitted uses. | 13, George Kirikos | Yes/No |
| Additional purpose: Cybersecurity and anti-fraud purposes, such as those noted in Recitals 47 and 49 of the GDPR  [In support of cybersecurity research directly in line with ICANN's Mission to support the stable and secure operation of DNS.]  [Research conducted by relevant and legitimate third parties with respect to DNS Abuse and the security, stability and resiliency of the Domain Name System is a fundamental and legitimate purpose consistent with ICANN’s Bylaws and critical for ICANN to fulfill its mission. Since such research can and often does involve analysis of data associated with Registered Name Holders, this purpose is directly related to the collection and processing of such data.] | 15, 17, 23 (IPC Europol Advisory Group on Internet Security, Domain Tools) | Yes/No |
| Urge the EPDP team to ensure clarification as to the definition of ‘ICANN purposes’ as it applies to the report, as it remains unclear, and should not be relegated to a footnote. The RySG urges further clarification that the purposes as stated, are notwithstanding any established purposes of either ICANN or individual registries or registrars, who may design and establish their own additional purposes, in which they would be acting as sole controller. | 16, RySG | Yes/No |
| The addition of new data elements to the RDDS is beyond the scope of the EPDP Team’s work. The EPDP Team has a narrow charter and was not chartered to create new features and purposes for processing gTLD Registration Data. The NCSG believes such an issue is best taken up in the GNSO Next-Generation RDS to Replace WHOIS PDP, should this PDP Working Group ever be reconvened, or alternatively to be addressed by any PDP Working Group that replaces it in determining RDS functions that fall outside of the scope of this EPDP | 19, NCSG | Yes/No |
| Purposes should reference the need for processing for law enforcement, DNS abuse, IP infringement and consumer protection purposes. | 20, INTA | Yes/No |