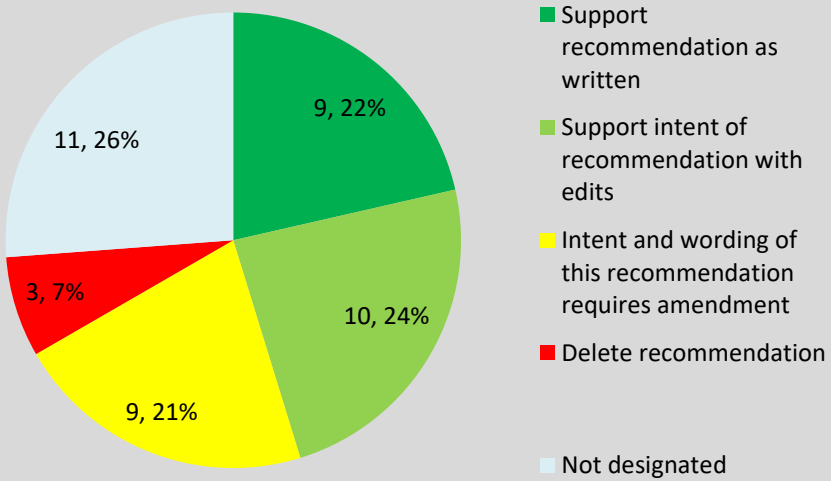
RECOMMENDATION 10

#	Comment	Contributor	EPDP Response / Action Taken
In relation to facilitating email communication between third parties and the registrant, the EPDP Team recommends that current requirements in the Temporary Specification that specify that a Registrar MUST provide an email address or a web form to facilitate email communication with the relevant contact, but MUST NOT identify the contact email address or the contact itself, remain in place.			



Support recommendation as written			
1.	Publication of the registrant's email address in a way that can be automatically harvested and used for any purpose is clearly not acceptable and not compliant with the GDPR. Recommendation 10 is a good way to optimize privacy while furthering the goal of contactability articulated by Purpose 3.	• Ayden Férdeline; NCSG • Farzaneh Badii; Internet Governance Project	Support **EPDP Response:** The EPDP appreciates the support **Action Taken:** none [**COMPLETED**]

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2.	This is VERY IMPORTANT for GDPR compliance AND the SECURITY of registrants and their domain names at registrars. Domain names are often stolen by hacking email addresses, and SIM swap fraud (phone) is also a known security risk.	John Poole; Domain Name Registrant	Support **EPDP Response:** The EPDP appreciates the support **Action Taken:** none [COMPLETED]
3.	No comments provided in support of this recommendation	• Monica Sanders; i2Coalition • Etienne Laurin • Ben Butler; SSAC • Sivasubramanian Muthusamy; Internet Society India Chennai	Support **EPDP Response:** The EPDP appreciates the support **Action Taken:** none [COMPLETED]
4.	Until an official Accreditation and Access (i.e. Unified Access) model by ICANN is in place to facilitate legitimate and lawful access to gTLD registration data by third parties, there must be a provision for all internet users to contact domain name registrants, and anonymized email/web form seems to be the best way to do so.	DR. JAIDEEP KUMAR MISHRA ; DIRECTOR MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY, GOVERNMENT OF INDIA	Support **EPDP Response:** The EPDP appreciates the support **Action Taken:** none [COMPLETED]
5.	It is essential to protect the users email address from slammers and stalkers etc	David Martel	Support **EPDP Response:** The EPDP appreciates the support **Action Taken:** none [COMPLETED]

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Support intent of recommendation with edits			
6.	Delete: "… an email address…" GoDaddy strongly encourages registrars to implement web contact forms rather than "relay" email addresses, as the later will become compromised rapidly following their publication.	Sara Bockey; GoDaddy	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
7.	We support the intent of this recommendation but believe it should be up to the registrar to determine if this is an option they want to make available for domains under their management. Registrars may choose to allow for other methods of contactability not specified in the Temporary Specification and we believe it should be left up to each individual registrar on how they want to make that option available to registered name holders. Furthermore, we would encourage registrars to implement a web-based contact form as opposed to relay e-mail addresses as the latter have the potential to be compromised and lead to unforeseen issues down the road.	• Volker Greimann; Key-Systems GmbH • Zoe Bonython; RrSG	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
8.	[No rationale or edits provided]	Domain.com, LLC & affiliates	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
9.	In relation to facilitating email communication between third parties and the registrant, the EPDP Team recommends that current requirements in the Temporary Specification that specify that a Registrar MUST provide an email address or a web form to facilitate email communication with the relevant contact, but MUST NOT identify the contact email address or the contact itself, remain in place. The preferred option is the offering of web form. The reason for spelling out the web form as a preferred option is that e-mail addresses as a communications channel might lead to disclosure of personal data if, e.g. an auto responder is deployed by the registered name holder. The requirement for offering a communications channel shall be designed to follow a "relay & delete" approach. Contracted parties shall not be obliged to ensure or record delivery of communication or otherwise commit to service level agreements.	• Lars Steffen; eco – Association of the Internet Industry • Wolf-Ulrich Knoben; ISPCP Constituency	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

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10.	Only required for the registrant, not for the rest of the contacts.	Theo Geurts; Realtime Register B.V.	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
11.	The overall intent is fine, but registrars might find other methods of facilitating communication outside of this. Also the publication of an email address is a potential issue depending on how it is implemented, so using a web form is preferable	Michele Neylon; Blacknight Internet Solutions Ltd	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
12.	Publication of the registrant's email address in a way that can be automatically harvested and used for any purpose is clearly not acceptable and not compliant with the GDPR. Recommendation 10 is a good way to optimize privacy while furthering the goal of contactability articulated by Purpose 3. We note further that many domains and email address provide personal and sensitive data. Far better to use a temporary, registrar-assigned and/or web form to facilitate email communication with the relevant content without inadvertently revealing personal and sensitive data.	A. Mark Massey; Domain Name Rights Coalition	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
13.	The RySG suggests the following edits to Recommendation #10: "The EPDP Team recommends that registrars must provide a mechanism to facilitate email communication with the Registered Name Holder or contact, but must not identify the contact email address or the contact itself." The RySG supports the intent of Recommendation #10, but notes that it only reflects two options for registrars to facilitate communication with the relevant contact. There may be instances where registrars choose to offer other methods of contact, and the recommendation should provide registrars with the flexibility to offer such methods. In the Final Report, the RySG believes that policy recommendations should be standalone recommendations and not reference the Temporary Specification.	Wim Degezelle ; RySG	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

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	The RySG will caution against the use of an email relay system, as such a system, without proper controls may have unintended data disclosure (e.g., auto-replies, Out Of Office notifiers). The RySG also, noting the discussions of the EPDP team, would strongly resist any suggestion as to the necessity of the Registrar in 'confirming' delivery. Such a 'service level' approach is unrealistic, and this recommendation, at its highest must be only taken as a 'pass on' requirement and should not give rise to any unreasonable expectations on the registrars to 'verify' receipt of such a communication.		
14.	...but for private persons must not identify... GDPR is for the protection of data privacy of individuals, not commercial operations. Where a domain is obviously being used for commercial purposes, there should be full transparency on contact email address. Key quantitative and qualitative indicators can be identified and agreed upon to establish baseline criteria for classification of commercial purpose.	Monique A. Goeschl; Verein für Anti-Piraterie der Film- und Videobranche (VAP)	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
Intent and wording of this recommendation requires amendment			
15.	In relation to facilitating email communication between third parties and the registrant, the EPDP Team recommends that current requirements in the Temporary Specification that specify that a Registrar MUST provide an email address or a web form to facilitate email communication with the relevant contact should be modified such that the registrar MAY provide an email address or web form to facilitate communication with the relevant contact but, if the Registrar provides such, it MUST NOT identify the contact email address or the contact itself without the data subject's explicit prior consent to such publication. It exceeds ICANN's purview to require that registrars operate an email service, be it forwarding or a web form that transmits to the RNH via email. The Security, Stability, and Resilience of the Domain Name System can be maintained without giving all Internet users the ability to contact all gTLD domain owners. This functionality should be optional for registrars to provide, if not entirely removed from ICANN's contractual requirements.	Tucows Domains Inc.	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
16.	No one knows if the messages are getting sent on to the registrants. So while there's a requirements no one knows if its working or if its enforceable (or if compliance work is being executed). As a result contactability (for UDRP, abuse, etc.) is possibly crippled.	Greg Aaron; iThreat Cyber Group	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

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17.	The AG IS opposes redaction of the Email field without a suitable replacement. Some European ccTLDs publish entire Whois records, including a registrant's email address and other personal data, consistent with GDPR. Nonetheless, if the community chooses to redact this field as a matter of policy then it is important to ensure that another universal, cross-TLD identifier, whether generated through anonymization or tokenization, exist in its place. An email form is not suitable for cybersecurity purposes.	Greg Mounier on behalf of Europol AGIS; Europol Advisory Group on Internet Security	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
18.	Make this a "MUST" if and only if a registrant hasn't opted to display their own info in the WHOIS! Registrants need to be able to opt-out of this, and be able to show their own identity and email address instead in the public WHOIS, unfiltered by a registrar. A registrar's systems may be less reliable than that of a registrant, and a registrant shouldn't be forced to have their inbound communications be intercepted by the registrar's systems. See earlier comments opposing mandatory redaction.	George Kirikos; Leap of Faith Financial Services Inc.	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
19.	The EPDP Team recommends that current requirements in the Temporary Specification that specify that a Registrar MUST provide an email address or a web form to facilitate email communication with the relevant contact and MUST provide the email address of registered name holders who are legal persons. The email address MUST be unique and uniform for each domain name registration attributed to a Registrant at a given Registrar. The email address MUST functionally forward communication received to the email address of the applicable contact and MUST describe the methods used to forward a communication and confirm its receipt. Registrar MAY implement commercially reasonable safeguards to prevent spam and other forms of abusive communications. It MUST NOT be feasible to extract or derive the email address of the contact from the email address provided to facilitate email communication with the relevant contact. At minimum, the community must implement an effective and standardized method for replacing the email address with a pseudonymized email. Such a pseudonymized email would redact personally identifiable information by providing a unique, registrant-specific replacement address. This policy, in the context of the balancing exercise under 6(1)(f) GDPR, would grant reasonable latitude to legitimate third party interests and provide a reliable method of contact that would further allow for indexing such a contact to multiple domain names registered to the same person or entity. (Please refer to Opinion 06/2014 regarding the notion of legitimate	Steve DelBianco; BC	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
	interests of the data controller under Article 7 of Directive 95/46/EC of the Article 29 Working Party (now the European Data Protection Board), pp. 42-43.)		
20.	"In relation to facilitating email communication between third parties and the registrant, the EPDP Team recommends that current requirements in the Temporary Specification that specify when a registrant's contact data must be redacted should be changed, to wit: • Registrar MUST provide an email address to facilitate email communication with the relevant contact; this MUST be the original email address of registrant if the registrant is a legal person. • The email address SHOULD be unique and uniform across domain name registrations at a given Registrar. • If the communication mechanism is provided by the registrar (web form or hosted email service) it MUST provide functionality to forward communications received to the email address of the applicable contact and MUST describe the methods used to forward communications and confirm receipt. • If a web form is provided, it MUST also provide functionality to forward communications received to the email address of the applicable contact and MUST describe the methods used to forward communications and confirm receipt. • Registrar MAY implement commercially reasonable safeguards to filter out spam and other form of abusive communications." As MarkMonitor has noted elsewhere, "the number of domains listed per UDRP filing is down over 10% since May 25, 2018, evidencing increased difficulty in connecting infringing domain names in UDRP filings." We note that creating an anonymized DNS-wide identifier (as mentioned in 68, above) has not yet been reduced to practice, and may not be available in the desired timeframe. As a result, the original email addresses remain the best mechanism for contacting and identifying bad actors who operate across several registrars. Web forms do not function as a unique identifier as an email address does, and do not provide the same delivery notices or read notices. When web forms are offered, they must not impose unreasonable and unrealistic character limits.	Jeremy Dallman, David Ladd – Microsoft Threat Intelligence Center; Amy Hogan-Burney, Richard Boscovich – Digital Crimes Unit; Makalika Naholowaa, Teresa Rodewald, Cam Gatta – Trademark; Mark Svancarek, Ben Wallace, Paul Mitchell – Internet Technology & Governance Policy; Cole Quinn – Domains and Registry; Joanne Charles – Privacy & Regulatory Affairs; Microsoft Corporation	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
21.	…the EPDP Team recommends that current requirements in the Temporary Specification that specify that a Registrar MUST provide an email address or a web form to facilitate email communication with the relevant contact remain in place, and that the requirement that Registrar MUST NOT identify the contact email address or the contact itself be subject to the registrant being given an option to consent to the allow the information to be publicly published/displayed. A registrant that wishes to display their contact information should be allowed to do so.	Evin Erdoğdu; ALAC	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

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22.	Registrar MUST provide an email address or a web form to facilitate email communication with the relevant contact, but MUST NOT identify the contact email address or the contact itself. 2.5.1.1. The email address MUST be unique and uniform across domain name registrations of the registrant at a given Registrar. 2.5.1.2. The email address and the URL to the web form MUST provide functionality to forward communications received to the email address of the applicable contact and MUST describe the methods used to forward communications and confirm their receipt. 2.5.1.3. Registrar MAY implement commercially reasonable safeguards to filter out spam and other form of abusive communications. 2.5.1.4. It MUST NOT be feasible to extract or derive the email address of the contact from the email address and the URL to the web form provided to facilitate email communication with the relevant contact. At least an effective and standardised policy for replacing the email address with a pseudonymised email must be implemented. A pseudonymised email address would redact any information potentially identifying the registrant by providing a unique registrant-specific replacement email address which is non-identifiable. Taking into account the balancing exercise of article 6.1 (f) GDPR, such pseudonymisation, together with the limited impact on the data subject, would tilt the balance sufficiently in favour of the legitimate third party interests for having a reliable measure of contact which can be associated to multiple domain names belonging to the same owner. [Please refer to Opinion 06/2014 on the notion of legitimate interests of the data controller under Article 7 of Directive 95/46/EC of the Article 29 Working Party (currently the European Data Protection Board), p. 42-43.'	Brian King; IPC	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
23.	In relation to facilitating email communication between third parties and the registrant, the EPDP Team recommends that current requirements in the Temporary Specification that specify that a Registrar MUST provide an email address or a web form to facilitate email communication with the relevant contact, but MUST NOT identify the contact email address or the contact itself, remain in place. The number of domains listed per UDRP filing is down over 10% since May 25, 2018, evidencing increased difficulty in connecting infringing domain names in UDRP filings. Pseudonymising consistently across registrars in such a way that enables connecting registrants for research and dispute resolution expediency would prove prohibitively difficult, so the email address must be identified in its true form. Web forms do not function as a unique identifier as an email address does, and do not provide the same evidence of delivery as can be established by sending an email in the absence of subsequently receiving a "bounceback," and web forms can impose unreasonable and unrealistic character limits.	Brian King; MarkMonitor, Inc., a Clarivate Analytics company	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
Delete recommendation			
24.	COA strongly believes that the Registrant's e-mail address should not be redacted and that it be validated by the registrar and made publicly available. Earlier in this document a rationale was supplied as to why keeping the registrant's e-mail address publicly available is consistent with the GDPR.	Dean S. Marks; Coalition for Online Accountability	Divergence **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
25.	Domain registrants deserve a way to be affirmatively contacted, and parties with a legitimate interest need a way to do the same. Any solution that uses the Registrar as a proxy is by definition not good enough.	Tim Chen; DomainTools	Divergence **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
26.	INTA supports deleting this recommendation, as explained further below. In the alternative, INTA supports amending the recommendation to read: "In relation to facilitating email communication between third parties and the registrant, the EPDP Team recommends that current requirements in the Temporary Specification that specify that a Registrar MUST provide an email address or a web form to facilitate email communication with the relevant contact, but MUST NOT identify the contact email address or the contact itself, remain in place. HOWEVER, a Registrar MUST ensure that the email or web form is delivered to the registrant, and if it is not must inform the party seeking contact that the communication cannot be delivered to the registrant as the registrant has provided inaccurate contact information. A Registrar MUST then promptly take steps to secure accurate contact information." As explained more thoroughly in the response to Recommendation 8, INTA supports publication of the Registrant's email address so that third parties may more easily identify and contact the Registrant directly. However, if the consensus of the EPDP working group is that such information should remain redacted, INTA requests that Registrars be required to ensure that the anonymized email address or web form contact, in fact, reaches the Registrant. Third parties looking to reach a Registrant often do not know if an anonymized email or web form reached the Registrant, or if the Registrant is simply ignoring the communication. If Registrars were required to not only ensure the accuracy of registrant contact information, but also notify a party seeking contact that the information did not reach its destination, then it may be possible to rely on anonymized email or web form only.	Lori Schulman Senior Director, Internet Policy; International Trademark Association (INTA)	Divergence **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
Not designated			
27.	No selection made and no additional comments submitted	• Ashley Heineman; NTIA • Neil Fried; The Motion Picture Association of America • Sajda Ouachtouki; The Walt Disney Company • Brian Beckham; Head, Internet Dispute Resolution Section, WIPO • Steve Gobin; Corporate domain name management • Theo Geurts • Ivett Paulovics; MFSD Srl URS Provider • Ashley Roberts; Valideus • Renee Fossen; Forum - URS and UDRP Provider • Stephanie Perrin • Fabien Betremieux; GAC	**EPDP Response:** none **Action Taken:** none [COMPLETED]