

RECOMMENDATION 21

#	Comment	Contributor	EPDP Response / Action Taken																		
	<p>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.</p> <table border="1"> <caption>Response Distribution for Recommendation 21</caption> <thead> <tr> <th>Response Category</th> <th>Count</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Support recommendation as written</td> <td>19</td> <td>45%</td> </tr> <tr> <td>Support intent of recommendation with edits</td> <td>2</td> <td>5%</td> </tr> <tr> <td>Intent and wording of this recommendation requires amendment</td> <td>1</td> <td>2%</td> </tr> <tr> <td>Delete recommendation</td> <td>0</td> <td>0%</td> </tr> <tr> <td>Not designated</td> <td>20</td> <td>48%</td> </tr> </tbody> </table>	Response Category	Count	Percentage	Support recommendation as written	19	45%	Support intent of recommendation with edits	2	5%	Intent and wording of this recommendation requires amendment	1	2%	Delete recommendation	0	0%	Not designated	20	48%		
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1.	<p>No comments provided in support of this recommendation</p>	<ul style="list-style-type: none"> • DR. JAIDEEP KUMAR MISHRA ; DIRECTOR MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY, GOVERNMENT OF INDIA • Brian King; IPC • Dean S. Marks; Coalition for Online Accountability • Steve DelBianco; BC • 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 • Tucows Domains Inc. • Michele Neylon; Blacknight Internet Solutions Ltd • Sara Bockey; GoDaddy • Volker Greimann; Key-Systems GmbH • Zoe Bonython; RrSG • Domain.com, LLC & affiliates • Wim Degezelle ; RySG • Brian King; MarkMonitor, Inc., a Clarivate Analytics company • Lars Steffen; eco – Association of the Internet Industry • Wolf-Ulrich Knoben; ISPCP Constituency • Monica Sanders; i2Coalition • David Martel • Etienne Laurin • Ben Butler; SSAC 	<p>Support</p> <p>EPDP Response: The EPDP Team appreciates the support.</p> <p>Action Taken: None COMPLETED</p>
Support intent of recommendation with edits			
2.	<p>Recommendation should add “but not including the domain name registrant” after “EBERO providers”</p> <p>We just want to make sure that it is clear that we are not recommending that ICANN enter into contracts with registrants, as they are also non-contracted parties.</p>	<ul style="list-style-type: none"> • Farzaneh Badii; Internet Governance Project • Ayden Férdeline; NCSG 	<p>Concerns</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>

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3.	<p>Not enough information to determine whether this recommendation is appropriate. Recommendation #21 also seems premature. Sure, ICANN should comply with the law. Unsure if that requires what you "recommend." Recommendation #21 as worded sounds like the EPDP working group is rendering legal advice to ICANN. I thought the EPDP working group had not yet retained independent legal counsel. Ask your "independent legal counsel" when retained, for an opinion on this.</p> <p>Roles and responsibilities re: GDPR seem to still be unclear in many areas at ICANN even though ICANN org had two years (May 2016 - May 2018) to prepare for the GDPR enforcement date of May 25, 2018. ICANN management seem to have based their delusional GDPR strategy on getting "legal guidance" and a last minute "moratorium" from the EDPB or its predecessor.</p>	John Poole; Domain Name Registrant	<p>Divergence</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>
Delete recommendation			
Not designated			

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4.		<ul style="list-style-type: none"> • Sivasubramanian Muthusamy; Internet Society India Chennai • Lori Schulman Senior Director, Internet Policy; International Trademark Association (INTA) • George Kirikos; Leap of Faith Financial Services Inc. • Tim Chen; DomainTools • Mark Massey; Domain Name Rights Coalition • Steve Gobin; Corporate domain name management • Ashley Heineman; NTIA • Neil Fried; The Motion Picture Association of America • Sajda Ouachtouki; The Walt Disney Company • Greg Mounier on behalf of Europol AGIS; Europol Advisory Group on Internet Security • Monique A. Goeschl; Verein für Anti-Piraterie der Film- und Videobranche (VAP) • Fabien Betremieux; GAC • Brian Beckham; Head, Internet Dispute Resolution Section at WIPO • Theo Geurts • Ivett Paulovics; MFSD Srl URS Provider • Ashley Roberts; Valideus • Renee Fossen; Forum - URS and UDRP Provider • Stephanie Perrin 	<p>EPDP Response: none</p> <p>Action Taken: none</p> <p>[COMPLETED]</p>