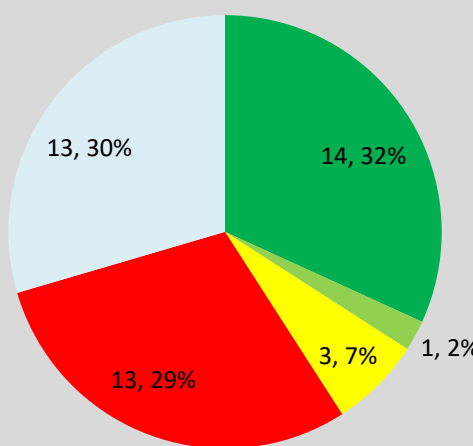


RECOMMENDATION 9

#	Comment	Contributor	EPDP Response / Action Taken
<p>The EPDP Team recommends that registrars provide further guidance to a Registered Name Holder concerning the information that is to be provided within the Organization field.</p> <div style="display: flex; align-items: center;">  <div style="margin-left: 20px;"> <ul style="list-style-type: none"> ■ Support recommendation as written ■ Support intent of recommendation with edits ■ Intent and wording of this recommendation requires amendment ■ Delete recommendation ■ Not designated </div> </div>			
Support recommendation as written			
1.	The Business Constituency agrees with the language of this recommendation. Registrars should be required to inform registrants of the significance of providing an organization name and the fact that this information will be publicly displayed in a registrant data directory service.	Steve DelBianco; BC	<p>Support</p> <p>EPDP Response: The EPDP appreciates the support</p> <p>Action Taken: none</p> <p>[COMPLETED]</p>
2.	No specific comments provided in support of this recommendation	<ul style="list-style-type: none"> Dean S. Marks; Coalition for Online Accountability Tim Chen; DomainTools Evin Erdoğan; ALAC 	<p>Support</p> <p>EPDP Response: The EPDP appreciates the support</p>

#	Comment	Contributor	EPDP Response / Action Taken
		<ul style="list-style-type: none"> • Monica Sanders; i2Coalition • David Martel • Etienne Laurin • Ben Butler; SSAC • Brian King; MarkMonitor, Inc., a Clarivate Analytics company • Ashley Heineman; NTIA 	<p>Action Taken: none</p> <p>[COMPLETED]</p>
3.	<p>Since organizations are not covered by GDPR, Organization fields should not be redacted. If additional information will be provided to a registrant in order to inform the intended use of the Organization field, we are supportive.</p> <p>In response to arguments that Organization fields should be redacted in case they contain personal data or might identify a data subject in some circumstances:</p> <p>Where natural persons have created corporate entities using their names, those business names do not exist as unique identifiers for natural persons and do not require the protections for natural persons. In these circumstances, the business name with the business information (address, phone, corporate email) is not the personal data of any natural person and the protections for natural persons are not required.</p>	<p>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</p>	<p>Support</p> <p>EPDP Response: The EPDP appreciates the support</p> <p>Action Taken: none</p> <p>[COMPLETED]</p>
4.	<p>For natural persons, Organization field should be left blank by Registrant. For legal person (organization), it should be clearly mentioned/advised to Registrant by Registrar during time of Registration to avoid putting name of an individual (natural person) in Organization field e.g. name of an employee working in that organization.</p>	<p>DR. JAIDEEP KUMAR MISHRA ; DIRECTOR MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY, GOVERNMENT OF INDIA</p>	<p>Support</p> <p>EPDP Response: The EPDP appreciates the support</p> <p>Action Taken: none</p> <p>[COMPLETED]</p>

#	Comment	Contributor	EPDP Response / Action Taken
5.	<p>The IPC supports the maintenance of the Organization field as this is not personal data and the GDPR does not cover legal entities. The IPC submits that, if an Organization name includes personal data, the individual whose name is included as part of the Organization name has filed the name as part of a license to do business and therein has provided implicit and explicit consent of use of the name within the context of the Organization name and identity. Thus, the RHN should be provided with educational text around this and asked to provide the Organization name, if applicable.</p>	Brian King; IPC	<p>Support EPDP Response: The EPDP appreciates the support Action Taken: none [COMPLETED]</p>
6.	<p>As discussed fully in the answer to Recommendation #11 below, any ICANN Consensus Policy for generic top-level domain Registration Data should include a clear distinction between the treatment of data belonging to natural persons and data belonging to legal persons. Clear registrar guidance explaining to Registered Name Holders what information should and should not be included in the Organization field would help ensure that this distinction is clearly delineated, easy to follow, and consistent with the requirements of the GDRP while at the same time supporting accurate, reliable, and uniform Registration Data and preserving an ability to address law enforcement needs, intellectual property protection, consumer protection issues, and DNS abuse.</p> <p>Specifically, the very act of informing the public that the Organization field is reserved for Registered Name Holders that are legal persons should significantly reduce the likelihood that personal information is inadvertently entered into the Organization field. Additionally, providing further guidance about the Organization field to Registered Name Holders can help address concerns specific to certain types of businesses. For example, Registered Name Holders that are sole proprietors can be instructed to only fill out the Organization field if they do business under a fictitious name. Similarly, legal entities with names that include the personal name of an affiliated person can be instructed to either use a d/b/a in the Organization field or forego filling out the Organization field entirely.</p>	Lori Schulman Senior Director, Internet Policy; International Trademark Association (INTA)	<p>Support EPDP Response: The EPDP appreciates the support Action Taken: none [COMPLETED]</p>
Support intent of recommendation with edits			
7.	<p>One needs to provide better guidance as to which entity is actually the legal registrant, i.e. the "Organization" or the "Name" (see below).</p> <p>As discussed previously, there is much ambiguity over the Organization Field. If John Smith of Acme Inc. is in the WHOIS, is "John Smith" the registrant, who happens to currently work at Acme Inc., or is Acme Inc. the registrant (the corporation), and John Smith is just a representative of the corporation. This ambiguity is long-standing, and needs to be fixed, as it can cause legal, tax and other issues if the true ownership is in dispute or unclear. I'd recommend adding additional fields, to unequivocally identify the registrant itself and their organizational type (e.g. see the CIRA model for .ca as guidance).</p>	George Kirikos; Leap of Faith Financial Services Inc.	<p>Concerns EPDP Response: Action Taken: [COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>

#	Comment	Contributor	EPDP Response / Action Taken
Intent and wording of this recommendation requires amendment			
8.	<p>The RySG cautions against assuming that the provision of extra educational materials, as being capable of rectifying a defect in the clarity of the process. If the process itself is not capable of being understood by the data subject, then the mere availability of additional, and separate, educational materials will not likely suffice.</p> <p>The RySG echoes the concern a noted in the Initial Report regarding over reliance on educational resources as a cure to failings in the process. Educational resources should be complementary to a clearly-presented system of data collection and onward processing. They should not be seen as a required supplement, to provide necessary aids to comprehending the system. As such, where additional ‘educational resources’ are considered a necessity to ensure compliance, this may not be considered to be compatible with the concepts of privacy by default or privacy by design, i.e., where additional ‘educational resources’ are deemed necessary, the process itself is likely not established or presented in a sufficiently clear manner.</p>	Wim Degezelle ; RySG	<p>Concerns</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>
9.	There should be a requirement put in place to tell registrants that the field is for legal person info, and information placed in it will (eventually) be published.	Greg Aaron; iThreat Cyber Group	<p>Concerns</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>
10.	The AG IS opposes the redaction of the Organization field, which is important for cybersecurity, and is a legal person under GDPR Recital 14A. Here, it is important for the EPDP to recognize that the Organization field is not private information and is in fact consistent with business record requirements from many EU member states as well as European Directive 2000/31/EC. Accordingly, in analyzing interests and rights, the Organization field should not be equated with other fields containing personal data under the GDPR.	Greg Mounier on behalf of Europol AGIS; Europol Advisory Group on Internet Security	<p>Concerns</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>

#	Comment	Contributor	EPDP Response / Action Taken
Delete recommendation			
11.	Because of the challenges associated with the standardized use of the registrant org field, and the fact that it is used in conjunction with WHOIS archives to indirectly identify data subjects, it is not clear what guidance registrars should be providing to registrants on the use of this field. We are open to further research in this area.	Sara Bockey; GoDaddy	Divergence EPDP Response: Action Taken: [COMPLETED / NOT COMPLETED] – [Instruction of what was done.]
12.	If the Final Report recommends that the Organization field not be redacted, then the language of Recommendation #9 should be replaced with the following: “The EPDP team recommends that registrars provide information to Registered Name Holders about how to complete the Organization field.”	Volker Greimann; Key-Systems GmbH / Zoe Bonython; RrSG	Divergence EPDP Response: Action Taken: [COMPLETED / NOT COMPLETED] – [Instruction of what was done.]
13.	[No rationale provided]	Domain.com, LLC & affiliates	Divergence EPDP Response: Action Taken: [COMPLETED / NOT COMPLETED] – [Instruction of what was done.]
14.	Should be deleted entirely The Organization field should be redacted, so there’s no need for further guidance to registrants as to what they should know when populating that field.	Tucows Domains Inc.	Divergence EPDP Response: Action Taken: [COMPLETED / NOT COMPLETED] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
15.	<p>Whilst it might be desirable for the registrar to provide information to the registered name holder, it does not seem likely that the provision of educational material will ensure compliant handling of the organization information. Hence, a solution to allow for the compliant treatment of organization data needs to be found, one component of which may or may not be the provision of educational material.</p> <p>This, again, relates to the distinction between natural and legal persons. If a solution for that issue is found, the question on the publication of the organization field can be answered easily.</p>	Lars Steffen; eco – Association of the Internet Industry / Wolf-Ulrich Knoeben; ISPCP Constituency	<p>Divergence</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>
16.	<p>Education does not prevent human error. Several registrars use a unified contact system — one set of registration data used at potentially hundreds of registries depending on the number of domain names registered by the registrant. One error here would result in the publication of personal data of hundreds of domain names. With no distinction there will be no distinction in the code, as such system error or a bug will not result in a data breach. Basic privacy by design approach which should not be ignored as it is a GDPR requirement and other data protection laws.</p>	Theo Geurts; Realtime Register B.V.	<p>Divergence</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>
17.	[No rationale provided]	Michele Neylon; Blacknight Internet Solutions Ltd	<p>Divergence</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>
18.	<p>“Guidance” is a poor substitute for redaction. At best, “guidance” from registrars will reduce some of the risk of inadvertent or mistaken data about natural persons being placed in the DNS record; but redacting the field will reduce all of it. Redaction provides a much more certain response to the potential problem.</p>	Ayden Férdeline; NCSG / Farzaneh Badii; Internet Governance Project	<p>Divergence</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>

#	Comment	Contributor	EPDP Response / Action Taken
19.	<p>“Guidance” is a poor substitute for redaction. At best, “guidance” from registrars will reduce some of the risk of inadvertent or mistaken data about natural persons being placed in the DNS record; but redacting the field will reduce all of it. Redaction provides a much more certain response to the potential problem.</p> <p>Further, organizational fields are expressly protected by the GDPR. Organizations for sensitive religious, philosophical, racial, ethnic, political, trade union, health, gender, sexual orientation are specifically, protected as sensitive data under the GDPR, Article 9.</p> <p>As noted above, we certify that the vast majority of noncommercial organizations we encounter fall within GDPR Article 9 protection -- making this a huge issue for ICANN and a huge reason not to reveal the organization field to the public.</p> <p>In many parts of the world, the names of organizations are removed from the outside signs of buildings, public directories, and even maps of cities. These include mosques, synagogues, churches (all now targeted in different areas of the world today), Planned Parenthood centers, battered women shelters worldwide, schools educating girls in regions of the world where some dislike that activity (and shoot its proponents), and of course, the range of sensitive religious, philosophical, racial, ethnic, political, trade union, health, gender, sexual orientation expressly listed and protected as sensitive data under the GDPR, Article 9 --- every organization above falls within these wide, critical, GDPR-protected categories.</p>	A. Mark Massey; Domain Name Rights Coalition	<p>Divergence</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>
20.	<p>DELETE Recommendation #9</p> <p>The Organization field should be deleted as unnecessary, confusing, duplicative, -- see Rationale in previous answers above. Therefore the "Organization" field should not only be redacted but DELETED as I have already addressed previously above.</p> <p>Please remove all references to "Registered Name Holder" and "RNH." The correct (longstanding) term is "Registrant"--see WHOIS data elements, etc. Duplicative terminology is confusing and serves no useful purpose. ICANN should strive for clarity and simplicity, not complexity for its own sake, which is often a sign of incompetent "lawyering." The 2013 Registrar Accreditation Agreement uses the term "Registrant" 57 times, and "Registered Name Holder" 77 times, to refer to the same person or entity.</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>

#	Comment	Contributor	EPDP Response / Action Taken
Not designated			
21.	No selection made and no additional comments submitted	<ul style="list-style-type: none"> • Neil Fried; The Motion Picture Association of America • Monique A. Goeschl; Verein für Anti-Piraterie der Film- und Videobranche (VAP) • Sajda Ouachtouki; The Walt Disney Company • Brian Beckham; Head, Internet Dispute Resolution Section • Steve Gobin; Corporate domain name management • Theo Geurts • Theo Geurts • Ivett Paulovics; MFSD Srl URS Provider • Ashley Roberts; Valideus • Renee Fossen; Forum - URS and UDRP Provider • Stephanie Perrin • Fabien Betremieux; GAC 	<p>EPDP Response: none</p> <p>Action Taken: none</p> <p>[COMPLETED]</p>
22.	The "organization" field needs to appear only in the section for commercial name registrations in the extended Domain Name Registration form.	Sivasubramanian Muthusamy; Internet Society India Chennai	<p>Concerns Divergence Support New Idea</p> <p>EPDP Response:</p> <p>Action Taken:</p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>