General Comments – Additional Suggestions / Recommendations

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

Additional issues / recommendations not covered by other purposes or recommendations	Corresponding PCRT Comment #	Further Discussion Required?
Thick Whois – some argue that remaining thin gTLD registries should be required to move to thick status, in line with the previously adopted consensus policy, while others argue that the thick Whois transition should be scraped and instead think registries should move to thin status.	7, 10, 11, 12 (iThreat Cyber Group, Tucows, Michele Neylon, ALAC)	Yes/No
The EPDP should recommend that transfer and hijacking complaints be carefully and regularly monitored to ensure that such problems are well understood, with a commitment to rectification if there is an increase in transfer related problems.	9 (ALAC)	Yes/No
In the case of a domain name registration where a privacy/proxy service used (e.g. where data associated with a natural person is masked), Registrar MUST return in response to any query full WHOIS data, including the existing proxy/proxy pseudonymized email.	13, 30 (MarkMonitor, COA)	Yes/No
The final report of EPDP should include a section "Definitions and Interpretation" which clarifies the usage of terms "MAY", "MUST", "MUST NOT", "REQUIRED" etc.	14 (Government of India)	Yes/No
EPDP team should consider how resellers fit in and whether agreements need to be put in place with resellers.	14, 30 (Government of India, Theo Geurts)	Yes/No
it is essential that the EPDP team establishes a date for the discussions about access to commence.	16 (ALAC)	Yes/No
EPDP Team to consider to (optionally) allow registrants to publish their own data by running their own WHOIS servers, instead of making	17 (George Kirikos)	Yes/No

that the obligation of the registrar.		
The EPDP Team to consider that where disclosure may take place on the basis of a legal obligation ICANN, a registry or registrar may be subject to (pursuant to Article 6.1 (c) of the GDPR). In particular where ICANN, a registry or registrar established in one country receives an order to disclose gTLD Registration data from law enforcement or a judicial authority in that country, ICANN, the registry or registrar may be obliged to disclose the information.	24 (GAC)	Yes/No
EPDP Team to consider that Art. 6(1)(f) is also applicable for MPA-5 and MPA-6 disclosure.	25 (WIPO)	Yes/No
EPDP Team to consider the importance of cybersecurity and how use of the DNS for DNS abuse, which perpetuates cybercrime, and cyberattacks, ultimately undermines trust in the system and the overall integrity of the DNS. Accordingly, the EPDP should consider and articulate a true assessment of interests in rights considering the victims of DNS abuse, the security and stability of the DNS, the many GDPR recitals articulating overriding interests, and the GDPR's risk-based approach to appropriate safeguards for personal data.	26 (Europol)	Yes/No
The definition of "Registration Data", as used in the Temp Spec, requires review.	27 (Valideus)	Yes/No
EPDP Team to consider recommending: Registrar MUST provide the opportunity for the Registered Name Holder to provide its Consent to publish whatever personal data elements are currently redacted with respect to the Registered Name Holder. Where such Consent is sought by Registrar, the request for Consent SHALL be presented in a manner which is clearly distinguishable from other matters (including other Personal Data Processed based on a legitimate interest). The request for Consent SHALL be in an intelligible	30 (COA)	Yes/No

and easily accessible form, using clear and plain language. The Registered Name Holder SHALL have the right to withdraw its Consent at any time. The withdrawal of Consent SHALL NOT affect the lawfulness of Processing based on Consent obtained before the withdrawal. Registrar MUST publish the personal data elements for which it has received Consent.		
If there is not sufficient time to refer recommendations to an Implementation Review Team, registrars should be permitted to operate (at their own risk and where applicable) under the new recommendations or the requirements of the Temp Spec for a period of up to one year.	31 (GoDaddy)	Yes/No
EPDP Team to consider whether phone should be required to be collected as it is a high risk data element.	33 (Theo Geurts)	Yes/No
Consider OV or EV SSL certification requirement as a way to deal with identifying what is an 'organization'.	33 (Theo Geurts)	Yes/No
Cross-border Data Transfers To Third Countries is not addressed in the report	33 (Theo Geurts)	Yes/No
While the Change of Registrant policy is not in scope for the EPDP team, but the EPDP team should highlight the fact that the IRTP-C/Change of Registrant policy might violate Art 16, Right to rectification.	33 (Theo Geurts)	Yes/No
The report does not provide a clear view of data flows and which parties are deemed responsible for various types of processing. There have been several discussions and questions raised within the EPDP on topics of what type of controller each party is in each role. It would be very helpful to evaluate proposed policy with a clear mapping of the roles, responsibilities, and data flows.	SAC104	Yes/No
The EPDP Working Group's recommendations move away from the model of "purpose-based contacts" that has had wide support in prior work (e.g., WHOIS Expert Working Group). Such a move will interfere with established, efficient operations that will affect the security, stability and resiliency of the DNS, and will affect the management of domains by potentially millions of registrants. We recommend that the EPDP look at	SAC104	Yes/No

this issue holistically and review how decisions to address one set of concerns may affect others, and more importantly, the workings of the entire ecosystem.		
In some cases the Initial Report asks what costs will be borne by the Contracted Parties, but does not also evaluate the costs on all other parties, or the cost of not putting a balanced solution into place. Cost or risk to registrars or registry operators alone is not a persuasive argument against balanced solutions.	SAC104	Yes/No