

Recommendation 1 – Additional Purposes (Original language proposed) – deadline for input 25 January		
The EPDP Team commits to considering in Phase 2 of its work whether additional purposes should be considered to facilitate research carried out by ICANN’s Office of the Chief Technology Officer (OCTO) as well as the continuation of the WHOIS Accuracy Reporting System (ARS). This consideration should be informed by legal guidance on if/how provisions in the GDPR concerning research apply to ICANN Org		
Proposed changes / new language / input / questions	By / when	Rationale
Rename this to: Further Processing of Data. https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001335.html	RrSG / 25 Jan	Within the ICANN context we want to process data collected for a different purpose to be further processed for research purposes <ul style="list-style-type: none"> • What is research within the ICANN context? And does it have scientific purposes? • Is the ARS Reporting system research, or as the name indicates a reporting system that flags possible incorrect data? And is this not already in scope of the GDPR? • Art 89 and relevant recitals in scope due to whatever research is within the ICANN context? • Depending on the research do Art 17 and 21 apply? <p>In short with the above in mind, what does the WG think is research and does it require processing of personal data?</p>
I offered to suggest a wording change to Purpose 5 to allow it to include the Accuracy Reporting System (ARS) as previously suggested by Milton.	ALAC / 24 Jan	

<p>Add to rationale:</p> <p>To allow ICANN to carry out accuracy audits of registration contact data, ICANN may request from Registry Operators and Registrars the minimum data for randomly selected registrations.</p> <p>Under F-PA2 replace "ICANN org compliance" with "ICANN org" (2 places)</p> <p>Under F-PA4 replace "ICANN Compliance" with "ICANN org" and add to Lawful Basis "May go beyond the life of registration in order to complete accuracy audit and compliance processing, not to exceed one year."</p> <p>Data element table will need to include any contact information still in use post EPDP.</p> <p>https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001307.html</p>		
<p>During our meeting Friday I was asked to analyze public comments on Recommendation 1 to see whether there was anything other than Purpose O (research by ICANN) that needed to be considered.</p> <p>As you can see from the attached spreadsheet, the answer is a simple No. There is only one new purpose proposed, namely George Kirikos's proposal for collecting data to establish the ownership history of domain names. But this did not obtain support from any other commenter or from people within the EPDP.</p> <p>All other requests for "additional" Purposes were either covered by existing purposes and recommendations (usually Purpose 2 but also Purpose 5 and Recommendation 7) or were variations on the "research" purpose which we considered. Several other comments did not propose new purposes at all but rather made comments about Purposes already proposed in the initial report; e.g., the request by RySG to clarify to which party (ICANN, Registries, Registrars) purposes were attributed.</p>	<p>NCSG / 18 Jan</p>	

<p>Regarding the "Research" purpose, as we discussed Friday it is not clear whether it is needed until ICANN's role is specified. As Ruth stated, if ICANN is the controller for registration data it can use the data for research anyway. I would conclude that in responding to public comment we can use this analysis as the basis for our response. https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001252.html</p> <p>I was asked to summarize the public comments on Rec 1 (additional purposes). My work was submitted to the list. It shows that ARS is asking for data disclosure to ICANN for compliance purposes. Ergo, I have a hard time understanding why it is not already covered by Purpose 5. While I agree that we may need more legal opinion on whether ICANN is a controller, which would affect its ability to obtain data for compliance purposes, we did not agree to push ARS as a "new purpose" to Phase 2 nor to consider it as a derivation of Purpose 2 (response to lawful disclosure requests) because it clearly does not fit in either category. I don't think this is a controversial recommendation; whatever your view of ARS, it is hardly debatable that this is a compliance issue not a new purpose. https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001273.html</p>	<p>NCSG / 21 Jan</p>	
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Purpose 1.a / b		
<p>1a. In accordance with the relevant registry agreements and registrar accreditation agreements, activate a registered name and allocate it to the registered name holder.</p> <p>1b. As subject to registry and registrar terms, conditions and policies, and ICANN consensus policies:</p> <p>(i) Establish the rights of a registered name holder in a registered name, and</p> <p>(ii) Ensure that a registered name holder may exercise its rights in the use and disposition of the registered name.</p>		
Proposed changes or new language	By / when	Rationale
<p>In lieu of the "Benefits and Responsibilities" language, we propose a slight modification by adding the word "maintenance" as follows:</p> <p>To ensure that a Registered Name Holder may exercise its rights in the use, maintenance, and disposition of the Registered Name ..."</p> <p>https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001344.html</p>	<p>BC / 25 Jan</p>	

Purposes - General		
<ul style="list-style-type: none"> • There are processing activities related to public WHOIS, which could contain personal data, it would be helpful if the EPDP Team could clarify which purpose(s) this processing activity would fall under. • Purpose 6: Does the text of this purpose mean that registration data could no longer be used for policies and procedures not specified in the purpose, such as those policies and procedures listed at https://www.icann.org/resources/pages/appendix-11-2013-07-08-en https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001345.html 	ICANN Org / 25 Jan	