From the EPDP Team Charter in relation to the System for Standardized Access to Non-Public Registration Data

Issues deferred from the EPDP Team Final Report Phase I

The EPDP Team requests that when the EPDP Team commences its deliberations on a standardized access framework, it incorporates the recommendations of the WHOIS PDP WG and provides an update on the current state of international discussions so that the EPDP Team may determine whether the WG’s recommendations may affect consideration of the URS and GDPR in the context of the international access framework:

Issue 1: System for Standardized Access to Non-Public Registration Data

- Ensuring that the EPDP Team final report would be compliant with the Charter (as Standardized access) now that the guiding questions in the charter have been answered. This will include addressing questions such as:
  - Whether such a system should be adopted.
  - What are the legitimate purposes for third parties to access registration data?
  - What are the eligibility criteria for access to non-public registration data?
  - Does the above permit access of different types of key parties?

In the context of the EPDP Team’s deliberations, the EPDP Team will consider amongst other issues, disclosure in the course of intellectual property infringement and DNS abuse cases. There is a need to confirm that disclosure for legitimate purposes is not incompatible with the purposes for which the data has been collected. This may affect the ongoing deliberations on the standardized access framework. The EPDP Team recommends that Registrars and Registry Operators are permitted to differentiate between registrations of legal and natural persons, and are not mandated to do so.

Phase II: System for Standardized Access to Non-Public Registration Data

- Whether this topic is captured by the overarching topic of ‘life of registration’.
- Is this topic addressed through the implementation of recommendations of the Final Report of Phase I?

Additional purpose for ICANN’s OCTO

EPDP Team Recommendation #7.

The EPDP Team considers that in Phase 2 of its work whether additional purposes for ICANN’s OCTO (Office of the Chief Technology Officer) to carry out are necessary to address the legal issues raised.

Dependent on legal guidance and expression of need by ICANN

Issues deferred from EPDP Phase I

Data Privacy

EPDP Team Recommendation #14.

In the context of a new concept for privacy data protection, the EPDP Team recommends that Registrars and Registry Operators are permitted to differentiate between the publication of personal and non-personal data. This may affect the ongoing deliberations on the standardized access framework. The EPDP Team recommends that Registrars and Registry Operators are permitted to differentiate between registrations of legal and natural persons, and are not mandated to do so.

Dependent on ICANN Org undertaking a review of all its data processing and procedures to identify and stop any data processing that is beyond the scope of what GDPR allows.

Privacy and Security

EPDP Team Recommendation #11.

The EPDP Team recommends that this topic be included in the upcoming discussions on the context of the standardized access framework.

Dependent on further legal advice