

**ICANN
POLICY FORUM**

65

MARRAKECH

24-27 June 2019



Engagement with the European Data Protection Board

Discussion with EPDP Team

Elena Plexida, Eleeza Agopian, Daniel Halloran,
Amy Bivins, Francisco Arias

ICANN 65
27 June 2019



Agenda

- ⊙ The ICANN org team and the task given by Board to the CEO
- ⊙ Unified Access Model based on the TSG technical model
- ⊙ Basic assumption ... to be tested
- ⊙ Brussels environment
- ⊙ Engagement with the European DPAs to date
- ⊙ Discussion

ICANN org team

- ⊙ Elena Plexida, Government Engagement
- ⊙ Daniel Halloran, Legal
- ⊙ Amy Bivins, Legal
- ⊙ John Crain, OCTO
- ⊙ Francisco Arias, GDD Technical Services
- ⊙ Eleeza Agopian, MSSSI
- ⊙ Diana Middleton, MSSSI

The task

To present to the DPAs a UAM based on the TSG model, for the purpose of testing its basic assumption and feasibility under the GDPR,

to provide input to the EPDP team that will inform the team's ongoing work in considering the development of a policy for standardized access to gTLD registration data.

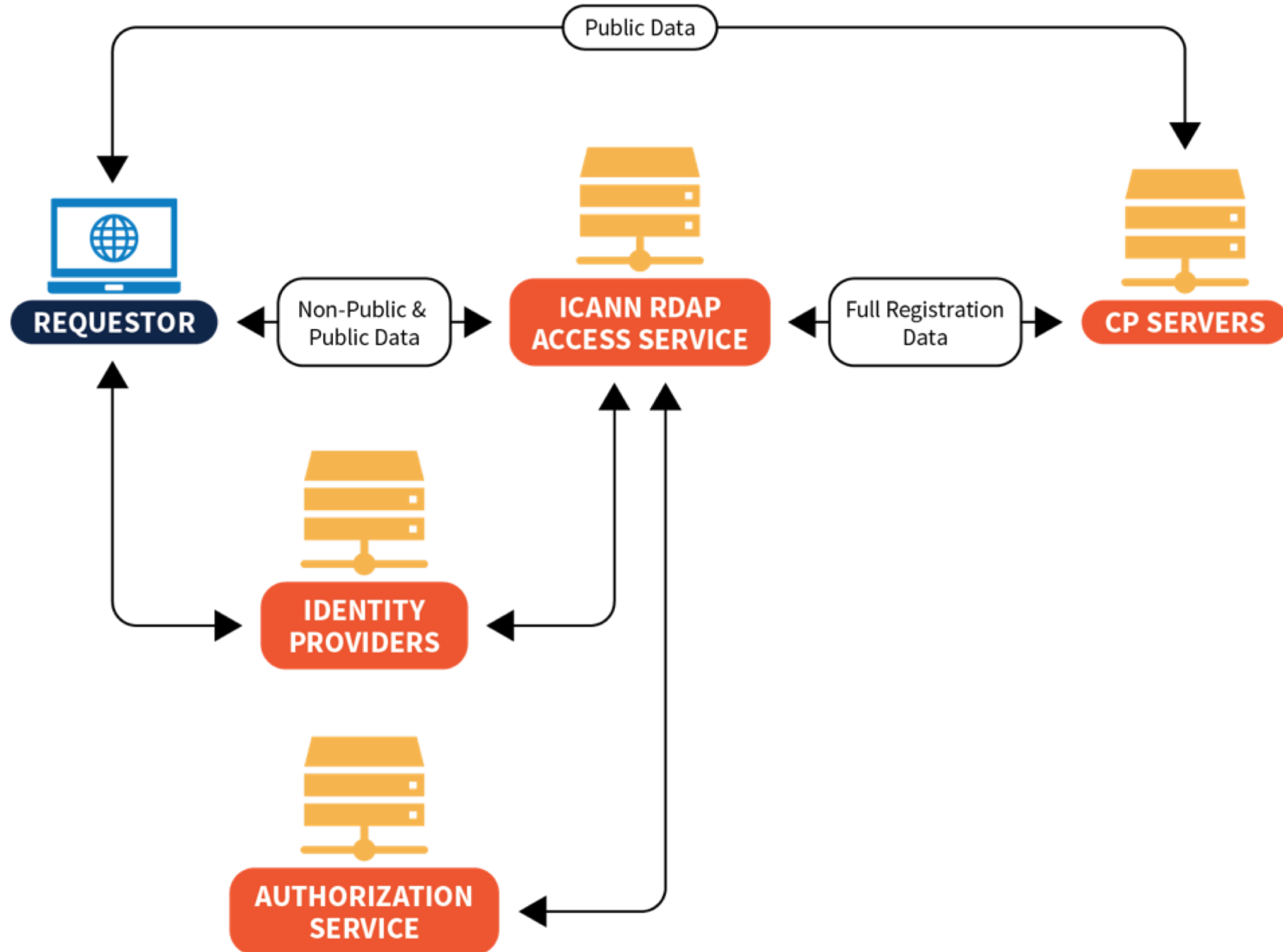
Views/Inputs on Unified Access Model

- ⦿ The ICANN Board has consistently recognized that enabling access to gTLD registration data through RDDS is an important mandate of ICANN.
- ⦿ The GAC has reiterated this mandate.
- ⦿ The contracted parties [have stated that](#) “a centralized access portal operating under community-developed and GDPR-compliant policies might result in a more predictable and uniform experience for those with legitimate and proportionate interests in use of registration data”.

Views/Inputs on Unified Access Model

- ⦿ The European Commission has encouraged ICANN to develop a Unified Access Model, [calling this work](#) “vital and urgent.”
- ⦿ The European Data Protection Board [has also urged ICANN](#) to move ahead in the development of a registration data access model.
- ⦿ The EU and its Member States [have supported](#) “the development of a unified access model that applies to all registries and registrars and provides a stable, predictable, and workable method for accessing non-public WHOIS data for users with a legitimate interest or other legal basis as provided for in the GDPR”.
- ⦿ The G7 High Tech Crime Subgroup [called on](#) ICANN “to quickly implement a unified access solution that would make non-public WHOIS data accessible to third parties with legitimate purposes while also complying with the requirements of the GDPR and other data protection and privacy laws. This is a necessity for public safety”.

A Unified Access Model based on the TSG model



Basic assumption ... to be tested

A Unified Access Model based upon the TSG's technical model could potentially eliminate the legal risks associated with the disclosure of personal data contained in nonpublic gTLD registration data for the contracted parties via this UAM.



Brussels environment

The European Commission

- DG CONNECT
Communications Networks, Content and Technology
- DG JUST
Justice and Consumers
- DG HOME
Migration and Home Affairs
- SJ
Legal Service
- SG
Secretariat General

The Commission has the legislative initiative

Brussels environment

The European Data Protection Board

Responsible for the interpretation and enforcement of the GDPR

Consists of:

- ⦿ The head of each national DPA of each member state
- ⦿ The European Data Protection Supervisor
- ⦿ The European Commission which has no voting rights

Expert subgroups assist with the performance of the Board's tasks

- ⦿ Technology subgroup

Engagement with European DPAs to date

- ⦿ 6 December 2017: [Letter from Article 29 to ICANN](#)
- ⦿ 7 March 2018: [Data Protection/Privacy Issues Update: Discussion with Article 29](#)
- ⦿ 29 March 2018: [Data Protection/Privacy Issues Update: Discussion with Article 29 Working Party](#)
- ⦿ 11 April 2018: [Letter from Article 29](#)
- ⦿ 12 April 2018: [ICANN Receives Data Protection/Privacy Guidance from Article 29 Working Party](#)
- ⦿ 13 April 2018: [Data Protection/Privacy Issues Update: Soliciting Community Input on Article 29 Guidance](#)
- ⦿ 23 April 2018: [Data Protection/Privacy Issues Update: Summarizing our Recent Meeting with Article 29](#)

Engagement with European DPAs to date

- ⦿ 10 May 2018: [Letter from Göran Marby to Andrea Jelinek regarding 23 April 2018 Article 29 Working Party meeting](#)
- ⦿ 27 May 2018: [The European Data Protection Board endorsed the statement of the WP29 on ICANN/WHOIS](#)
- ⦿ 5 July 2018: [Letter from European Data Protection Board to ICANN](#)
- ⦿ 13 July 2018: [Data Protection/Privacy Update: Additional Guidance from the European Data Protection Board](#)

Purpose of engagement

- ⦿ Obtain guidance
- ⦿ Demonstrate the ICANN community efforts to comply with the GDPR and promote understanding



Thank You and Questions



[@icann](https://twitter.com/icann)



facebook.com/icannorg



youtube.com/icannnews



flickr.com/icann



linkedin/company/icann



slideshare/icannpresentations



soundcloud/icann