"Drafting Errors" and Implementation Explanations for selected EPDP Recommendations

The following items were determined by the implementation team to be unintentional "drafting errors" or to have varying interpretations from the policy recommendations in the EPDP Phase 1 Final Report. All items were carefully reviewed and extensively discussed with the IRT members and confirmed by the members that were part of the EPDP Phase 1 Team to be "drafting errors" in the Final Report. The ICANN Community is invited to reference this information when reviewing the draft Registration Data Policy for Public Comment.

1. **Registrar Registration Expiration Date - Registrar to Collect or Generate**

    1.1. **EPDP Final Report Recommendation 5 Language:** *The data elements to be generated by Registrars: data elements including Registrar Registration Expiration Data marked* Optional. *See more on page 41 of EPDP Phase 1 Final Report.*

    1.2. **Draft Registration Data Policy Language Section 6.1.17:**

    > 6.1. The Registrar MUST collect or generate (marked with an asterisk) values for the following data elements:
    >
    > 6.1.1. Domain Name
    > 6.1.2. Registrar Whois Server*
    > 6.1.3. Registrar URL*
    > 6.1.4. Registrar*
    > 6.1.5. Registrar IANA ID*
    > 6.1.6. Registrar Abuse Contact Email*
    > 6.1.7. Registrar Abuse Contact Phone*
    > 6.1.8. Domain Status(es)*
    > 6.1.9. Registrant Name
    > 6.1.10. Registrant Street
    > 6.1.11. Registrant City
    > 6.1.12. Registrant State/Province
    > 6.1.13. Registrant Postal Code
    > 6.1.14. Registrant Country
    > 6.1.15. Registrant Phone
    > 6.1.16. Registrant Email
    > 6.1.17. Registrar Registration Expiration Date*

1.3. **Rationale:** The intention of EPDP Recommendation 5 is to state that Registrars must generate the Registrar Registration Expiration Date. Although this data element is marked as optional in the EPDP Phase 1 Final Report, registrars are currently required to generate the Registrar Expiration Date and the intent is not to change this requirement. The requirement of MUST is inconsistent with the Optional. This data element MUST be generated because it is not always the same as the Registry Expiration Date. The Final Report should have had this data element marked as Required rather than Optional. Please note that in some cases, Registrars may use the Registry Expiration Date to populate the Registrar Registration Expiration Date provided that such practice is performed in compliance with the Registrar Accreditation Agreement and ICANN Consensus Policies. This policy does not change the meaning of the "Registrar Registration Expiration Date" data element.

2. **Registrar Whois Server generated by Registrar**
   2.1. **EPDP Final Report Recommendation 5** states the requirement for data elements to be generated on Page 7:
   https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf
   Registrar Whois Server is presented as a required Data Element to be generated indicating a MUST requirement.

   2.2. **Draft Registration Data Policy Language Section 6.1**

   > 6.1. Registrar MUST collect or generate (marked with an asterisk) values for the following data elements:
   >
   > 6.1.1. Domain Name
   > 6.1.2. Registrar Whois Server*
   > 6.1.3. Registrar URL*
   > 6.1.4. Registrar*
   > 6.1.5. Registrar IANA ID*
   > 6.1.6. Registrar Abuse Contact Email*
   > 6.1.7. Registrar Abuse Contact Phone*
   > 6.1.8. Domain Status(es)*
   > 6.1.9. Registrant Name
   > 6.1.10. Registrant Street
   > 6.1.11. Registrant City
   > 6.1.12. Registrant State/Province
   > 6.1.13. Registrant Postal Code
   > 6.1.14. Registrant Country
   > 6.1.15. Registrant Phone
   > 6.1.16. Registrant Email
   > 6.1.17. Registrar Registration Expiration Date*

> "State/Province" and "Postal Code" values are only required to be collected if applicable for the country or territory, as defined in UPU postal addressing standards or other equivalent standard for the country or territory.
>
> ==“Registrar Whois Server” value is only required to be generated if required by the Registrar Accreditation Agreement or ICANN Consensus Policy.==

2.3. Draft Registration Data Policy Language Section 7.2

> 7.2. Registrar MUST transfer the following data elements to Registry Operator if collected or generated:
> 7.2.1. ==Registrar Whois Server==
> 7.2.2. Name Server(s)
> 7.2.3. Name Server IP Address(es)
> 7.2.4. DNSSEC Elements

2.4. Draft Registration Data Policy Language Section 8.5

> 8.5. Registry Operator MUST submit an electronic copy, in a format specified by ICANN, of the following data elements to an ICANN-approved data escrow agent if transferred from Registrar or generated by Registry Operator:
> 8.5.1. ==Registrar Whois Server==
> 8.5.2. Updated Date
> 8.5.3. Registrar Registration Expiration Date
> 8.5.4. Reseller
> 8.5.5. Registry Registrant ID
> 8.5.6. Registrant Name
> 8.5.7. Registrant Organization
> 8.5.8. Registrant Street
> 8.5.9. Registrant City
> 8.5.10. Registrant State/Province
> 8.5.11. Registrant Postal Code
> 8.5.12. Registrant Country
> 8.5.13. Registrant Phone
> 8.5.14. Registrant Phone Ext
> 8.5.15. Registrant Fax
> 8.5.16. Registrant Fax Ext
> 8.5.17. Registrant Email
> 8.5.18. Name Server(s)
> 8.5.19. DNSSEC Elements

<div style="border:1px solid black; padding:10px; text-align:center;">
8.5.20. Name Server IP Address(es)
</div>

2.5. **Rationale:** The current requirement in the 2013 Registrar Accreditation Agreement for providing a port 43 Whois service specifies: "At its expense, Registrar shall provide an interactive web page and, **with respect to any gTLD operating a "thin" registry**, a port 43 Whois service …". The note added in section 6.1 makes the registration data policy consistent with this requirement of the RAA 2013.

3. **Name Server IP Address(es) collected by Registrar**

3.1. **EPDP Final Report Recommendation 5** states the requirement for data elements to be collected on Page 7:
https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf
Name Server IP Address(es) is presented as an optional Data Element to be collected indicating a ==MAY== requirement.

3.2. **Draft Registration Data Policy Language Section 6.5**

<div style="border:1px solid black; padding:10px;">

6.5 The Registrar ==MUST== provide the opportunity for the Registered Name Holder to provide values for the following data elements. If provided by the Registered Name Holder, the Registrar MUST collect the following data element values:

   6.5.1. Registrant Organization
   6.5.2. Name Server(s)
   ==6.5.3. Name Server IP Address(es)==
   6.5.4. DNSSEC Elements

</div>

3.3. **Rationale:** The current requirement for collection of the Name Server IP Address in the RAA is a MUST, not MAY. The implementation team agreed that the correct interpretation of the EPDP Phase 1 Report is that the Registrar is required to collect the "Name Server IP Address(es)" data element if the RHN wishes to provide the data. Furthermore, the implementation team agreed there was no intention to change the existing collection requirement for this data element by the EPDP Phase 1 Team when drafting the recommendation.
Further to clarity, In-bailiwick nameservers of the type In-domain require glue records for the name resolution to work, hence Registrars need to offer support to provide the Name Server IP Address(es) for such cases as currently required in the RAA 2013 section 3.2.
For a technical reference the RFC8499 states: Glue records:
"...[Resource records] which are not part of the authoritative data [of the zone], and are address RRs for the [name] servers [in subzones]. These RRs are only necessary if the name server's name is 'below' the cut, and

are only used as part of a referral response." Without glue "we could be faced with the situation where the NS RRs tell us that in order to learn a name server's address, we should contact the server using the address we wish to learn."

In-domain: a modifier to describe a name server whose name is either subordinate to or (rarely) the same as the owner name of the NS resource records. **An in-domain name server name needs to have glue records or name resolution fails.** For example, a delegation for "child.example.com" may have "in-domain" name server name "ns.child.example.com".

4. **DNSSEC Element transfer from Registrar to Registry Operator**

    4.1.   **EPDP Final Report Recommendation 7:** DNSSEC is missing in the table of Recommendation 7 in the EPDP Phase 1 Final Report that should have been added on Page 10: https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf
DNSSEC is listed with collection optional in the Data Elements Matrix in the section "Transfer from REGISTRAR to REGISTRY": https://community.icann.org/display/EOTSFGRD/e.+Data+Elements+Workbooks?preview=/96207076/104238285/Data%20Elements%20Matrix_v1.8.xlsx

    4.2.   **Draft Registration Data Policy Language Section 7.2.3**

> 7.2. Registrar MUST transfer the following data elements to Registry Operator if collected or generated:
>
> 7.2.1. Registrar Whois Server
> 7.2.2 Name Server(s)
> 7.2.3. Name Server IP Address(es)
> 7.2.4. DNSSEC Elements

    4.3.   **Rationale:** The RAA 2013 currently requires the collection and transfer of DNSSEC elements in the DNSSEC section of the ADDITIONAL REGISTRAR OPERATION SPECIFICATION. DNSSEC elements should be added as elements to be transferred to the Registry Operator if collected or generated, along with Name Server(s) and Name Server IP Address(es). Without this element being transferred, DNSSEC cannot be enabled on the domain name. The implementation team confirmed with members on the IRT that participated in the policy development and with Org policy staff that this data element was listed in the final report as "optional" (yellow indication on the table) because it is a sole decision of the RNH to enable DNSSEC for their domain. In the use case where the RNH DOES enable DNSSEC, the data/files required to do so MUST be transferred from the Registrar to the Registry. The intent of the EPDP was not to make changes to existing requirements as noted in the RAA because the EPDP concluded that DNSSEC presented no impacts to the

processing of personal data. Therefore, the correct implementation requires this data element to be added in the section 7.2 that describes the transfer from Registrar to Registry Operator.

5. **Registrar Registration Expiration Date - Registrar Transfer to Data Escrow Providers**

   5.1. **EPDP Final Report Recommendation 8.3 Language:** *The data elements to be transferred by Registries and Registrars to data escrow are: For Registrars: data elements including* **Registrar Registration Expiration Date** *marked Optional.* <u>See more on page 45, of EPDP Phase 1 Final Report</u>

   5.2. **Draft Registration Data Policy Language Section 8.1.2:**

   > 8.1. Registrar MUST submit an electronic copy, in a format specified by ICANN, of the following data elements to an ICANN-approved data escrow agent:
   >
   >   8.1.1. Domain Name
   >   <mark>8.1.2. Registrar Registration Expiration Date</mark>
   >   …

   5.3. **Rationale:** The intention of EPDP Recommendation 8 is to state that Registrars **must** transfer the **Registrar Registration Expiration Date**, if generated or collected. Although this data element is marked as optional in the EPDP Phase 1 Final Report, the requirement in the draft policy language is written as a MUST. The **Registrar Registration Expiration Date** data element **MUST** be transferred because if data escrowed does not include the **Registrar Registration Expiration Date**, there could be issues in knowing what the actual expiration date is in the event of a registrar failure. Per RAA reference section 3.3.1.5 The expiration date of the registration, this is an existing requirement and there was no intention by the EPDP Team to change it. The Final Report should have had this data element marked as Required rather than Optional.

6. **Registrar IANA ID Data Element transfer from Registrar to Data Escrow providers**

   6.1. **EPDP Final Report Recommendation 8:** states that the Registrar data element shall be included in the escrow deposit generated by the Registrar. The EPDP Final Report identifies the data element as "Registrar" without the words "IANA ID."

6.2. **Draft Registration Data Policy Language Section 8.1.3 uses the "Registrar IANA ID" to identify the data element.**

> 8.1. Registrar MUST submit an electronic copy, in a format specified by ICANN, of the following data elements to an ICANN-approved data escrow agent:
>
> …
> 8.1.3. <mark>Registrar IANA ID</mark>
> …

6.3. **Rationale:** The Registrar IANA ID data element is superior to identifying the Registrar, because the IANA ID is a unique numeric identifier mitigating the risk of misidentifying the Registrar based on the name. Some Registrars have reported that they are already using this data element as Registrar IANA ID because the unique numbering is more dependable than the names that could vary for the same Registrar.

7. **Registrar Name Servers & Creation Date Data Elements transfer from Registrar to Data Escrow providers**

7.1. **EPDP Final Report Recommendation 8:** states that the Registrar shall transfer certain data elements to an Escrow Provider. The EPDP Final Report, however, did not specifically state within the Purpose 4A worksheet or Recommendation 8 that Registrars will no longer be required to escrow two data elements "Name Servers" and "Creation Date" per existing requirements in the 2013 RAA, 3.3.1.2 (The names of the primary nameserver and secondary nameserver(s) for the Registered Name;) and 3.3.1.4 (The original creation date of the registration;).

7.2. **No changes to the draft Registration Data Policy language were needed. This was determined not to be an error, but is mentioned here for clarity.**

7.3. **Rationale:** The EPDP Phase 1 Team's intent was to only amend existing or create new requirements with respect to the processing of personal data based on its analysis of the processing activities for registration data. In this specific instance, however, while these two data elements do not contain personal data, it was deliberated early on in EPDP about the principles of privacy by design and data minimization. It was discussed that in the case of recovering from a failing Registrar, that these two data elements are better pulled from the Registry instead of an escrow deposit because they would be the most recent and authoritative. While the table listed in Recommendation 8 accurately reflected the intent of the recommendation, it did not properly signal a change to existing requirements. Evidence of this change was found in the earliest version of

the Purpose 4A workbook which occurred during the EPDP's first face-to-face.

8. Registry Registrant ID transfer to Data Escrow Provider by Registry Operators

8.1. **EPDP Final Report Recommendation 8.3:** EPDP Final Report Recommendation 8.3: *The data elements to be transferred by Registries and Registrars to data escrow are: For Registry Operator:* **Registry Registrant ID***: is marked* <mark style="background:#00ff00">Green Required</mark> *for Collection Logic* *See page 11, of EPDP Phase 1 Final Report*

8.2. **Draft Registration Data Policy Language Section 8.5.5:**

> 8.5. Registry Operator MUST submit an electronic copy, in a format specified by ICANN, of the following data elements to an ICANN-approved data escrow agent if transferred from Registrar or generated by Registry Operator:
> :
>> 8.5.4. …
>> 8.5.5. <mark style="background:#ffff00">Registry Registrant ID</mark>

8.3. **Rationale:** The recommendation requires the Registry Registrant ID to be transferred without making provision for its availability. This is not applicable because not all Registries generate the Registry Registrant ID Therefore, the data element has been moved from the MUST transferred section to MUST IF collected or generated section, where the Registry MUST submit an electronic copy, in a format specified by ICANN, to an ICANN-approved data escrow agent IF generated.

9. Registry Expiry Date - Registrar MAY Publish

9.1. **EPDP Final Report Recommendation 10 Language:** *Requirements for processing personal data in public RDDS where processing is subject to GDPR: The EPDP Team recommends that redaction must be applied as follows to the data elements that are collected. Data elements neither redacted nor anonymized must appear via free public based query access. The list of Data Elements include Registry Expiry Date.* *See more on page 49, of EPDP Phase 1 Final Report*

9.2. **Draft Registration Data Policy Language Section 9.1.1.4:**

> 9.1.1. In responses to RDDS queries, Registrar and Registry Operator MUST Publish the following data elements:
>> 9.1.1.1. Domain Name
>> 9.1.1.2. Registrar URL

```
9.1.1.3. Creation Date
9.1.1.4. Registry Expiry Date (exception: Registrar MAY
publish)
...
```

9.3. **Rationale:** While stated in the EPDP Phase 1 Final Report,
Recommendation 10, as a required data element to publish for both
Registry Operator and Registrar, this requirement was meant for the
Registry Operators only and not Registrars. The Registrar WHOIS is not
required to display the registry expiry date, and leaving this language as a
MUST would require registrars to publish such data. The Registry Expiry
Date data element is not identified in the minimum data set that is
required or optional for Registrars to collect. Therefore, the Registrar
cannot be required to publish this data element. Requiring Registrars to
publish this data was not the intention of the recommendation.

10. Registrar Registration Expiration Date - Registrar to publish

10.1. **EPDP Final Report Recommendation 10 Language:** *Requirements for
processing personal data in public RDDS where processing is subject to
GDPR: The EPDP Team recommends that redaction must be applied as
follows to the data elements that are collected. Data elements neither
redacted nor anonymized must appear via free public based query
access: Registrar Registration Expiration Date: Marked No for Redaction
and Optional for Disclosure. See more on page 49, of EPDP Phase 1
Final Report*

10.2. **Draft Registration Data Policy Language Section 9.1.1.5:**

```
9.1.1. In responses to RDDS queries, Registrar and Registry Operator
MUST Publish the following data elements:
            9.1.1.1. Domain Name
            9.1.1.2.Registrar URL
            9.1.1.3. Creation Date
            9.1.1.4. Registry Expiry Date (exception: Registrar MAY
            publish)
            9.1.1.5. Registrar Registration Expiration Date
            (exception: Registry Operator MAY publish)
            ...
```

10.3. **Rationale:** The intention of EPDP Recommendation 10 is to state that
Registrars **must publish** the **Registrar Registration Expiration Date**, if
generated or collected. This data element is marked as optional in the
EPDP Phase 1 Final Report. However, it was meant to be a requirement
for Registrars and Optional for Registry Operators. It cannot be a

requirement for Registry Operators because Registry Operators may not have the information since there is no obligation for the Registrar to transfer this data element to the Registry Operator. The recommendation did not differentiate between Registrar and Registry Operator. The draft policy provides for different requirements: MUST for Registrar and MAY for Registry Operator.

11. **Nameserver IP address - Registrar and Registry Operator to Publish**

11.1. **EPDP Final Report Recommendation 10:** *Requirements for processing personal data in public RDDS where processing is subject to GDPR: The EPDP Team recommends that redaction must be applied as follows to the data elements that are collected. Data elements neither redacted nor anonymized **must** appear via free public based query access: **Name Server IP Address(es)** does not appear for Registrar but it does appear for Registry Operator on Page 12: Marked Optional for Collection Logic .* [See more on page 49, of EPDP Phase 1 Final Report](#) *.*

11.2. **Draft Registration Data Policy Language Section 9.1.8 - 9.1.9:**

> 9.1.8 In responses to RDDS queries, Registrar MAY Publish the Name Server IP Address(es) data element.
>
> 9.1.9 In responses to RDDS queries, Registry Operator:
>
> > 9.1.9.1. MUST Publish the Name Server IP Address(es) data element when the Registry Agreement calls for the publication of in-domain glue records (as defined in RFC8499)
> >
> > 9.1.9.2 MAY Publish the Name Server IP Address(es) data element when not required by the Registry Agreement

11.3. **Rationale:** The MAY in the policy language is not inconsistent with "must appear" for Registrar since the data element does not appear on their table. However, for Registry Operators the MAY in the policy is inconsistent with the "**must** appear" language found in the recommendation. The requirement cannot be MUST for Registry Operators because depending on the types of look ups, the IP address may not be provided. There are name server look ups where the Name Server IP Address could be received but this depends on Registrars choosing to register a name server and IP address with the Registry Operator. The intention of the EPDP Team was not to change this practice and not create a new requirement of MUST. Therefore, the updated text allows the Registry Operator to provide the Name Server IP Address as they currently do but do not require it for all inquiries.

12. Tech Emails - Registrar MAY maintain Log Files

12.1. **EPDP Final Report Recommendation 13:** *The EPDP Team recommends that the Registrar MUST provide an email address or a web form to facilitate email communication with the relevant contact, but MUST NOT identify the contact email address or the contact itself, unless as per Recommendation #6, the Registered Name Holder has provided consent for the publication of its email address.*

The EPDP Team recommends Registrars MUST maintain Log Files, which shall not contain any Personal Information, and which shall contain confirmation that a relay of the communication between the requestor and the Registered Name Holder has occurred, not including the origin, recipient, or content of the message. Such records will be available to ICANN for compliance purposes, upon request. Nothing in this recommendation should be construed to prevent the registrar from taking reasonable and appropriate action to prevent the abuse of the registrar contact process.

12.2. **Draft Registration Data Policy Language Section 11.1.2 & 11.1.3**

> 11.1. Where Registrar applies the requirements in Section 9.2.3, the Registrar:
> > 11.1.1. …
> > 11.1.2. MAY maintain log files that confirm that a relay of the communication from the requestor to the Tech email address has occurred. The log files MUST NOT include the origin, recipient, contents of the message, or any Personal Data.
> > 11.1.3. …

12.3. **Rationale:** The EPDP Phase 1 Recommendation 13 does not include the requirements to log communication with the Tech email. The intent of this recommendation was to ensure that a mechanism is available to log the relay of communication with the tech email if Registrars choose to log them and require making them available to ICANN org for compliance purposes. Therefore, the policy requirement includes the Tech email for log if it is collected.

13. Data Elements Matrix version reference

13.1. **EPDP Final Report** notes *"For further details, see complete data elements matrix"* after the Data Elements Tables on pages 8, 10, 42, and 45. The hyperlink within the EPDP Phase 1 Final Report is connected to an incorrect version of the matrix (version 1.4) See Final Report page 8:

13.2. The correct data elements matrix version is 1.8 and can be found on the EPDP Team wiki page titled "20 Feb - Data Elements Matrix_v1.8.xlsx." The correct version is provided in section 3: *Document and Resource Links* of the public comment document

13.3. **Rationale**: Inconsistencies were discovered while examining the data elements matrix. The updated version of the data elements matrix (version 1.8) was discovered while reviewing the EPDP Team archive.https://community.icann.org/display/EOTSFGRD/e.+Data+Elements+Workbooks updated version of the Final Report is published on the GNSO Project page: https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-2-20feb19-en.pdf

14. **"2nd Email Address"**

14.1. **EPDP Final Recommendation:** *The data element called "2nd E-mail address" appears on the Annex D - Data Elements Workbooks in the EPDP Phase 1 Final Report.*

14.2. **Draft Registration Data Language:** This field was not included as one of the data elements required in the Policy.

14.3. **Rationale:** Although the data element was included in all 9 tables of the elements, there was no indication that it was required for any processing. Therefore, the absence of this data element in the policy could be considered consistent with the recommendation. This data element was included in this list for public comment to be comprehensive and for transparency as there were questions as to the need for this data element. The members of the IRT that worked on the Final Report pointed out that this data element was *included as an error and was not intended for this data element to be called out as a requirement.*