

Building Block e) *(Retention and destruction of data)*

The EPDP Team recommends that requestors must confirm that they will store, protect and dispose of the gTLD registration data in accordance with applicable law. The relevant data processing arrangements are expected to contain further details with regard to the requirements for the retention and destruction of gTLD registration data.

Comments / concerns / questions to be considered in relation to building block e):

- *How would this be enforced? Could accreditation be used to track and enforce?*
- *Consider changing “such as GDPR” to “including the GDPR”.*

From the SSAD Worksheet

Retention and destruction of data

Objective: Establish minimum policy requirements for retention, deletion and logging of data retained for parties involved in the SSAD, including but limited to, gTLD registration data, user account information, transaction logs, and metadata such as date-and-time of requests

Related mind map questions:

P1-Charter-c

c2) What rules/policies will govern users' use of the data once accessed?

TSG-Final-Q#5

Describe data retention requirements imposed on each component of the system.

Materials to review:

Description	Link	Required because
GDPR Article 5(1)(e)	https://gdpr.algolia.com/gdpr-article-5	
Data retention in the TSG model	https://www.icann.org/en/system/files/files/technical-model-access-non-public-registration-data-30apr19-en.pdf page 26	

Related EPDP Phase 1 Implementation: Recommendation #15:

1. In order to inform its Phase 2 deliberations, the EPDP team recommends that ICANN Org, as a matter of urgency, undertakes a review of all of its active processes and procedures so as to identify and document the instances in which personal data is requested from a registrar beyond the period of the 'life of the registration'. Retention periods for specific data elements should then be identified, documented, and relied upon to establish the required relevant and specific minimum data retention expectations for registrars. The EPDP Team recommends community members be invited to contribute to this data gathering exercise by providing input on other legitimate purposes for which different retention periods may be applicable.

2. In the interim, the EPDP team has recognized that the Transfer Dispute Resolution Policy (“TDRP”) has been identified as having the longest justified retention period of one year and has therefore recommended registrars be required to retain only those data elements deemed necessary for the purposes of the TDRP, for a period of fifteen months following the life of the registration plus three months to implement the deletion, i.e., 18 months. This retention is grounded on the stated policy stipulation within the TDRP that claims under the policy may only be raised for a period of 12 months after the alleged breach (FN: see TDRP section 2.2) of the Transfer Policy (FN: see Section 1.15 of TDRP). This retention period does not restrict the ability of registries and registrars to retain data elements provided in Recommendations 4 -7 for other purposes specified in Recommendation 1 for shorter periods.

3. The EPDP team recognizes that Contracted Parties may have needs or requirements for different retention periods in line with local law or other requirements. The EPDP team notes that nothing in this recommendation, or in separate ICANN-mandated policy, prohibits contracted parties from setting their own retention periods, which may be longer or shorter than what is specified in ICANN policy.

4. The EPDP team recommends that ICANN Org review its current data retention waiver procedure to improve efficiency, request response times, and GDPR compliance, e.g., if a Registrar from a certain jurisdiction is successfully granted a data retention waiver, similarly-situated Registrars might apply the same waiver through a notice procedure and without having to produce a separate application.

Tasks:

- Confirm definitions of key terms
- Determine full list of policy questions and deliberate each
- Determine possible solutions or proposed recommendation, if any
- Confirm all charter questions have been addressed and documented