

Priority 2 Topics

Next Steps & proposed timing by EPDP Leadership

[Display of information of affiliated vs. accredited privacy / proxy providers](#)

Phase 1 rec: "In the case of a domain name registration where an "affiliated" privacy / proxy service used (e.g. where data associated with a natural person is masked), Registrar (and Registry where applicable) MUST include in the public RDDS and return in response to any query full non-personal RDDS data of the privacy / proxy service, which MAY also include the existing privacy/proxy pseudonymized email.

Note, PPSAI is an approved policy that is currently going through implementation. It will be important to understand the interplay between the display of information of affiliated vs. accredited privacy / proxy providers. Based on feedback received on this topic from the PPSAI IRT, the EPDP Team may consider this further in phase 2".

- EPDP Support Staff to reach out to GDD colleagues who support the PPSAI IRT (which is currently on hold) to obtain information on if/how the display of information of affiliated vs. accredited privacy / proxy providers is dealt with in the context of the implementation of the PPSAI recommendations (before ICANN66)
- Based on input received, EPDP Support Staff to formulate possible next steps to consider this issue (if not addressed through the implementation of the PPSAI recommendations). (by 15 November 2019)

<p><u>Legal vs. natural persons</u></p> <p>Phase 1 rec: 2) The EPDP Team recommends that as soon as possible ICANN Org undertakes a study, for which the terms of reference are developed in consultation with the community, that considers:</p> <ul style="list-style-type: none"> • The feasibility and costs including both implementation and potential liability costs of differentiating between legal and natural persons; • Examples of industries or other organizations that have successfully differentiated between legal and natural persons; • Privacy risks to registered name holders of differentiating between legal and natural persons; and • Other potential risks (if any) to registrars and registries of not differentiating. <p>3) The EPDP Team will determine and resolve the Legal vs. Natural issue in Phase 2.</p>	<ul style="list-style-type: none"> • EPDP Support staff to confirm expected next steps and timing to conduct and publish study results (before ICANN66). • Following review of scope of study, legal committee to review additional legal questions propose to determine which, if any, should be submitted to legal counsel prior to completion of study (following ICANN66) • Following review of study results, determine which, if any, legal committee to consider which legal questions should be submitted to legal counsel to inform deliberations. (TBD – dependent on delivery of survey results) • EPDP Team to reconsider whether Contracted Parties be allowed or required to treat legal and natural persons differently, and what mechanism is needed to ensure reliable determination of status (TBD – dependent on delivery of survey result)
<p><u>City field redaction</u></p> <p>From phase 1 rec: The EPDP Team expects to receive further legal advice on this topic, which it will analyze in phase 2 of its work to determine whether or not this recommendation should be modified.</p>	<ul style="list-style-type: none"> • Legal committee to review and analyze legal advice received on this topic and recommend next steps to the EPDP Team, which could include modification of the phase 1 recommendation, maintaining phase 1 recommendation as is, and/or additional legal guidance to help inform a determination on whether or not the recommendation should be modified.

<p><u>Data retention</u></p> <p>From phase 1 rec: 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.</p>	<ul style="list-style-type: none"> • EPDP Support staff to confirm status of ICANN org’s process and procedures review (before ICANN66) • Following receipt of ICANN org’s review, EPDP Team to consider whether updates are needed to phase 1 data retention recommendation (TBD – dependent on delivery of ICANN org review)
<p><u>Potential OCTO Purpose</u></p> <p>From phase 1 rec: the EPDP Team commits to considering in Phase 2 of its work whether additional purposes should be considered to facilitate ICANN’s Office of the Chief Technology Officer (OCTO) to carry out its mission (see https://www.icann.org/octo). This consideration should be informed by legal guidance on if/how provisions in the GDPR concerning research apply to ICANN Org and the expression for the need of such pseudonymized data by ICANN.”</p>	<ul style="list-style-type: none"> • EPDP Support Staff to follow up with ICANN org whether status of input provided during phase 1 has changed and/or whether any legal guidance has been obtained in relation to ICANN org having a qualified research position under GDPR (prior to ICANN66) • Based on feedback received, EPDP Team to determine next steps.

<p><u>Feasibility of unique contacts to have a uniform anonymized email address</u></p> <p>From the Annex to the Temporary Specification: Addressing the feasibility of requiring unique contacts to have a uniform anonymized email address across domain name registrations at a given Registrar, while ensuring security/stability and meeting the requirements of Section 2.5.1 of Appendix A.</p>	<ul style="list-style-type: none"> • Legal Committee to review questions proposed re: feasibility of unique contacts to have a uniform anonymized email address, for submission to legal counsel. • EPDP Team to consider this issue once legal guidance has been received.
<p><u>Accuracy and WHOIS Accuracy Reporting System</u></p>	<ul style="list-style-type: none"> • As this is also the subject of a discussion that is taking place between ICANN org and the GNSO Council [include link to letter], await outcome of this discussion to obtain specific guidance on what the EPDP Team is expected to consider in relation to accuracy and ARS.