

EPDP PHASE II
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Alan Greenberg
&
Hadia Elminiawi

TOPICS

- ICANN org answers to the EPDP team questions
- ICANN Board answers to the EPDP team questions
- Building Blocks Status

ICANN ORG ANSWERS TO THE EPDP TEAM QUESTIONS

1. Does ICANN have a clear preference on whether or not it will field requests for non-public data?

Should the EPDP recommend such a model and it is permissible under the GDPR, ICANN org is open to performing the central gateway role described in the “Exploring a Unified Access Model” paper or taking responsibility for delegating this function to another party.

ICANN ORG ANSWERS TO THE EPDP TEAM QUESTIONS

2. Does ICANN have a clear preference on whether or not it will maintain its own RDS replica database?

As described in the paper, ICANN org does not propose maintaining a replica of the RDS database. No registration data would be stored in the centralized system. ICANN org has not proposed the idea that it might maintain its own RDS replica database.

ICANN ORG ANSWERS TO THE EPDP TEAM QUESTIONS

3. Does ICANN have a clear preference on whether or not it will make a/the determination of the validity of the request?

The UAM is based on the TSG's [technical model](#) and would consolidate operational burdens and also, in ICANN org's view, the responsibility for making these decisions.

The "Exploring a Unified Access Model" paper seeks EDPB confirmation that this approach would effectively reduce the exposure of contracted parties under the GDPR

ICANN ORG ANSWERS TO THE EPDP TEAM QUESTIONS

4. Does ICANN have a clear preference on whether or not it will assume responsibility for this decision, in any scenario where ICANN doesn't hold the data directly and must require a Contracted Party to respond to the Requestor (even if the Contracted Party disputes ICANN's determination)?

Answering this question requires consideration of what is meant by both “responsibility” and “this decision.” Responsibility could refer to who makes a decision, or alternatively, to who is liable under the law for the consequences of making that decision. It seems logical that the liability for making a decision should sit with the entity that makes that decision and the paper seeks EDPB confirmation that this is the case.

ICANN ORG ANSWERS TO THE EPDP TEAM QUESTIONS

5. Consider an approach whereby ICANN acts as a more or less “gateway” for authorized data to pass through, data provided by the Contracted Party at the request of ICANN (per contractual requirement), with the responsibility for such disclosure to be assumed by ICANN.

In the paper, ICANN org proposed that it could operate a gateway for authorized data to pass through. The gateway operator does not make the decision to authorize disclosure. In the proposed model, the authorization provider would decide whether or not the criteria for disclosure are met. If a request is authorized and authenticated, the gateway operator would request the data from the contracted party and disclose the relevant data set to the requestor

ICANN BOARD ANSWERS TO THE EPDP TEAM QUESTIONS

- ❑ The Board understands that the EPDP Team seeks clarity on the Board's position on the scope of operational responsibility and level of liability that ICANN org is willing to accept with respect to a System for Standardized Access/Disclosure to Non-Public Registration Data (SSAD).
- ❑ ICANN org has published a paper with questions that it has sent to the European Data Protection Board (EDPB) regarding a Unified Access Model (UAM) based on the Technical Study Group's (TSG) technical model. The ICANN org paper proposes a system that centralizes responsibility for disclosure of non-public gTLD registration data. In this model, ICANN org would operate a central gateway. The Board has long supported this ICANN org effort to explore a UAM
- ❑ Should the EPDP recommend that ICANN org operate a central gateway, the Board is open to ICANN org playing that role

STATUS OF BUILDING BLOCKS

- | | |
|---|-----------|
| <input type="checkbox"/> A Criteria and content of requests | Completed |
| <input type="checkbox"/> E Retention & Destruction of Data | Completed |
| <input type="checkbox"/> F & J Accreditation | Completed |
| <input type="checkbox"/> K Receipt of acknowledgment | Completed |
| <input type="checkbox"/> New Block – Logging requirements | Completed |

STATUS OF BUILDING BLOCKS

- | | |
|--|---|
| <input type="checkbox"/> Audit Requirements | Finished 2 nd reading - Review |
| <input type="checkbox"/> G Response requirements/expectations | Review Tomorrow (2 nd reading) |
| <input type="checkbox"/> M Terms of use/disclosure agreements/
privacy policies | Review Tomorrow(2 nd reading) |
| <input type="checkbox"/> New Block Automaton | Review Tomorrow |

STATUS OF BUILDING BLOCKS

<input type="checkbox"/> N Financial Stability	Almost complete
<input type="checkbox"/> D and H Acceptable use policy	Almost complete
<input type="checkbox"/> I and L Query Policy	Almost complete
<input type="checkbox"/> Policy Principles	Comments being provided
<input type="checkbox"/> Balancing Test Framework	Comments being provided
<input type="checkbox"/> B Purposes	Started
<input type="checkbox"/> C User groups	Started

STATUS OF BUILDING BLOCKS

- Audit requirements New
- Logging requirements New
- Rights of data subject New
- Automation New

THANK YOU - QUESTIONS?

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