

Review of ICANN Process for Handling Registrar Data Retention Waiver Requests

Prepared per Recommendation 15.4 of the Final Report of the Expedited Policy Development Process Team on the Temporary Specification for gTLD Registration Data (Phase 1)

ICANN Org
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1 Objective

In Recommendation 15.4 of its Final Report, the Expedited Policy Development Process Team on the Temporary Specification for gTLD Registration Data (EPDP) recommended 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.¹

This report is intended to address this Recommendation in order to inform the Phase 2 work of the EPDP team. It provides an analysis of the data retention waiver process based on available quantitative data and case experience, and aims to identify potential areas in which the process could be adjusted.²

¹ ICANN GNSO (Feb 2019), *Final Report on the Temporary Specification for gTLD Registration Data Expedited Policy Development Process*, <https://gns0.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf>, p. 17.

² ICANN.org, "ICANN Process for Handling Registrar Data Retention Waiver Requests," <https://www.icann.org/resources/pages/waiver-request-process-2013-09-13-en>

2 Introduction

In the domain name registration and management lifecycle, domain name registrars and their resellers are the primary (and sometimes only) entities that directly interact with registrants. As such, registrars bear significant responsibility under ICANN agreements, policies, and local law for the processing of registration data, which includes personal data that is subject to a variety of data protection regimes.

The 2013 Registrar Accreditation Agreement (RAA) between ICANN org and accredited generic top-level domain (gTLD) registrars includes a Data Retention Specification (the “Specification”) that requires registrars to collect and retain their registrants’ registration data for a period of either 180 days or two years following the end of a registrar’s sponsorship of a registration.³ This requirement is meant to assist in resolving issues related to domain abuse, errors, and disputes. For example, if a registrar inadvertently charged a registration renewal fee after a domain had been transferred or deleted, the registrar and registrant would benefit from retained records to help resolve the error. To resolve a case of domain name hijacking, historical registration data are necessary to revert the name back to its rightful owner. Similarly, registrants that are victims of identity theft benefit from historical registration records to prove their innocence in cases when their domains are hacked and subsequently flagged for phishing or malware distribution.⁴

³ For a comparison of the data retention requirements in the 2009 and 2013 Agreements, see [Appendix 5.2: Comparison of Data Collection Requirements Between 2009 and 2013 Registrar Accreditation Agreements and the Data Retention Specification](#). See also: ICANN.org, 2013 Registrar Accreditation Agreement, *Data Retention Specification*, <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#data-retention>.

⁴ For example, retained data is required to pursue a case under the Registrar Transfer Dispute Resolution Policy (TDRP), which contains a six-month statute of limitations for losing registrars to contest unauthorized transfers. See ICANN.org, “Registrar Transfer Dispute Resolution Policy,” Section 2.3, <https://www.icann.org/resources/pages/tdrp-2012-02-25-en>. See also: ICANN.org (28 February 2014), “Update on the 2013 RAA and Data Retention Waiver Process,” <https://www.icann.org/news/blog/update-on-2013-raa-and-data-retention-waiver-process>

The Specification provides registrars with an option to request a waiver from enforcement of certain data retention terms in the RAA, should they conflict with local data protection laws applicable to the registrar.⁵ This option is intended to address situations in which local or national data protection regulations prevent a registrar from complying with the provisions of the RAA regarding the collection, display, or distribution of domain name registration data.

Compared to the 2009 version, the 2013 RAA requires registrars to retain more data, such as billing and payment information, information about the types of services offered in connection with the registration, and log files that provide information about communications, dates, times, and other information associated with a registration.⁶ In contrast to the 2009 version, the 2013 RAA divides the required data elements into two groups based on the mandated retention periods--two years and 180 days--which are shorter than the three-year retention period mandated in the 2009 RAA. While the latest RAA took effect in August 2013, the provisions of the Specification were not made effective until 1 January 2014 in order to allow registrars time to transition their systems and procedures.

ICANN org, registrars, data protection authorities (DPAs), the ICANN community, and their legal representatives were discussing data retention obligations under EU law well before the signing of the 2013 RAA.⁷ At the time, European Data Protection Directive 95/46/EC governed how data was handled in the EU: it applied to all EU-based registrars and regulated how and for how long

⁵ Note that a data retention waiver only waives certain provisions of the Data Retention Specification per applicable law(s) in each case. In most cases, registrars sought to reduce the retention times mandated within Provision 1.1 of the Specification, from two years to one following the end of a registration contract. In others, registrars sought waivers from the requirement to collect the data elements listed in Articles 1.1.1 through 1.1.8, and Articles 1.2.1 through 1.2.3 of the Specification. All waivers granted remain in effect for the duration of the term of the 2013 RAA as signed by a given registrar. For a detailed overview of waiver requests and accompanying rationales, see [Appendix 5.4: Approved Waiver Impact on Data Retention Specification \(“DRS”\) per Applicable Law](#)

⁶ See [Appendix 5.2: Comparison of Data Collection Requirements Between 2009 and 2013 Registrar Accreditation Agreements and the Data Retention Specification](#)

⁷ EU Article 29 Data Protection Working Party (26 September 2012), Letter to Dr. Steve Crocker and Mr. Akram Atallah (Chairman and Interim CEO of the ICANN Board of Directors), <https://www.icann.org/en/system/files/correspondence/kohnstamm-to-crocker-atallah-26sep12-en.pdf>

personal data was to be collected and retained, and with whom that data could be shared. According to the EU's Article 29 Working Party--which represented the DPAs of EU member states at the time--when the then forthcoming General Data Protection Regulation (GDPR) was to take effect in May 2018, it would contain no fundamental changes to the legal grounds for data collection, retention, and transfer compared to Directive 95/46/EC.⁸

Although the legal framework for data retention did not change under GDPR, it catalyzed discussions in the ICANN community on how to ensure compliance with the Regulation as it pertained to the processing of domain name data. In July 2018, the [Expedited Policy Development Process Team on the Temporary Specification for gTLD Registration Data](#) (EPDP) formed to address issues related to the GDPR and its requirements for collecting, displaying, and distributing gTLD registration data in registration data directory services (RDDS). The EPDP Team's charter included the following questions on data retention:

1. Should adjustments be made to the data retention requirement (life of the registration plus two years)?
2. If not, are changes to the waiver process necessary?
3. In light of the [European Data Protection Board \(EDPB\) letter of 5 July 2018](#), what is the justification for retaining registration data beyond the term of the domain name registration?

The EPDP Team reviewed input on data retention from the EDPB, which noted the following in regard to data retention requirements under the GDPR:

⁸ "...the GDPR is based on the same principles as the [European Data Protection Directive (95/46/EC)], and there is no fundamental change in the available legal grounds [for handling data]...". See EU Article 29 Data Protection Working Party (11 December 2017), Letter to Dr. Cherine Chalaby and Mr. Göran Marby (Chairman of the ICANN Board of Directors and President and CEO), https://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=611167; see also: General Data Protection Regulation, Article 5, "Principles Related to Processing of Personal Data," <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679>

...personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed (article 5(2) GDPR)... It is for ICANN to determine the appropriate retention period, and it must be able to demonstrate why it is necessary to keep personal data for [the life of the registration plus two years]. So far ICANN is yet to demonstrate why each of the personal data elements processed in the context of registration directory services must in fact be retained for a period of two years beyond the life of the domain name registration. The EDPB therefore reiterates the request ICANN to re-evaluate the proposed retention period of two years and to explicitly justify and document why it is necessary to retain personal data for this period in light of the purposes pursued.⁹

In its Final Report, the EPDP Team made specific note of this guidance, and added the following Recommendations on data retention as to its Final Report:¹⁰

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...*

⁹ See European Data Protection Board (5 July 2018), Letter to Mr. Göran Marby (President and CEO of the ICANN Board of Directors), <https://www.icann.org/en/system/files/correspondence/jelinek-to-marby-05jul18-en.pdf>, p. 6.

¹⁰ See p. 53 of the [Final Report](#).

15.2 *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 of the Transfer Policy. 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.¹¹*

15.3 *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.”*

15.4 *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.¹²*

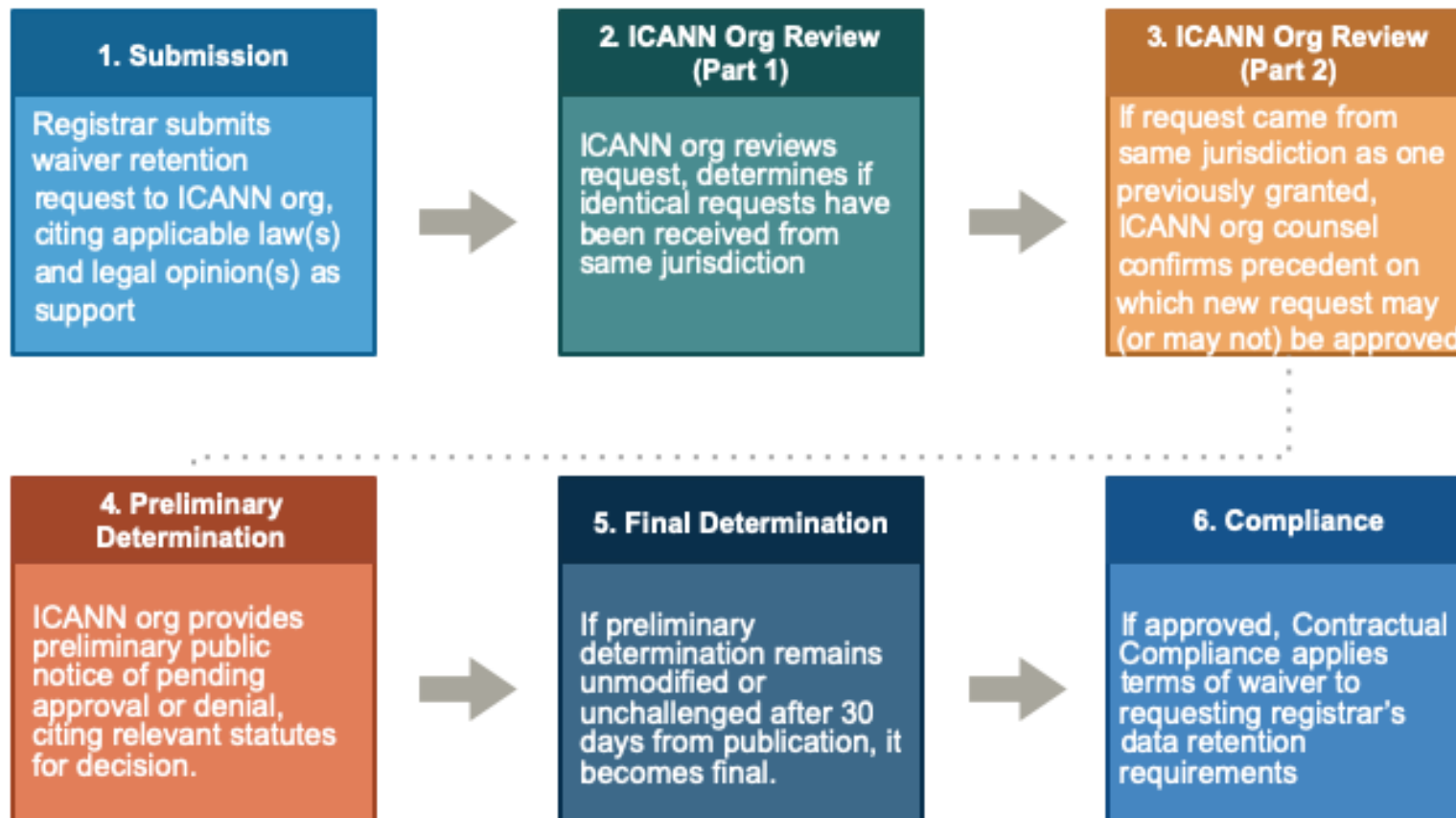
The ICANN Board [accepted](#) these Recommendations in May 2019.

¹¹ See Sections 1.15 and 2.2 of the Transfer Dispute Resolution Policy at <https://www.icann.org/resources/pages/tdrp-2016-06-01-en>.

¹² The Report provides the following footnote: “For avoidance of doubt, ICANN’s data retention waiver procedure only applies to contracted parties who need to apply for shorter data retention periods. Contracted parties do not need to seek a waiver for longer retention periods for data retention under their own controllership”; see ICANN GNSO (Feb 2019), *Final Report on the Temporary Specification for gTLD Registration Data Expedited Policy Development Process*, <https://gns0.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf>, p. 17]

2.1 Summary of Waiver Request Process

The graphic below provides a high-level summary of the procedure to depict the steps undertaken by registrars and ICANN org. For the full text of the procedure, see [Appendix 5.3: ICANN Process for Handling Registrar Data Retention Waiver Requests](#).



2.2 Timeline

This section provides a brief review of milestones relating to the 2013 RAA, the Data Retention Specification, and the ICANN Process for Handling Registrar Data Retention Waiver Requests.

27 June 2013: ICANN Board approves the [2013 RAA](#), which includes a provision to allow registrars to request a waiver from compliance with specific aspects of its [Data Retention Specification](#) that may conflict with local data privacy regulations.

August 2013: First new 2013 RAAs becomes effective. Compliance date for Data Retention Specification set for **January 2014** to provide registrars with time to implement new RAA requirements.¹³

17 September 2013: ICANN org receives first data retention waiver request

1 January 2014: Data Retention Specification of the 2013 RAA takes effect

8 January 2014: ICANN org receives [Article 29 Working Party Letter](#) clarifying EU position on the Data Retention Specification

24 January 2014: ICANN posts first [“Notice of Preliminary Determination To Grant Registrar Data Retention Waiver Request”](#)

12 Mar 2014: ICANN org [grants first data retention waiver](#)

25 May 2018: European Union’s **General Data Protection Regulation (GDPR)** and [Temporary Specification for gTLD Registration Data](#) take effect

July 2018: [Expedited Policy Development Process Team on the Temporary Specification for gTLD Registration Data](#) (EPDP) forms to address issues related to GDPR requirements and the requirements for collecting, displaying, and distributing gTLD registration data.

15 May 2019: ICANN Board [adopts](#) recommendations from EPDP Phase 1 Team.¹⁴

¹³ The 2013 RAA provided a “Transition Addendum” detailing which provisions of the Agreement would be enforced starting in January 2014. See: ICANN.org (31 July 2013), “Advisory: Registrar Implementation of the 2013 RAA’s Whois Requirements,” <https://www.icann.org/news/announcement-2013-07-31-en> and ICANN.org, “Transition Addendum to Registrar Accreditation Agreement,” <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#transition>

¹⁴ The Board deferred action on Recommendation 1, Purpose 2 and Recommendation 12 of the EPDP Team’s Final Report, and requested the Phase 2 EPDP Team focus on resolving the issues associated with them. See ICANN.org (15 May 2018), “Approved Board Resolutions (Special Meeting of the

3 Analysis

The goal of the following analysis is to assess the data retention waiver request process with **a particular focus on request response times, GDPR compliance, and overall efficiency of the process**. For purposes of the data in this report, the observation period begins on 17 September 2013, when ICANN org received its first waiver request under the procedure. It ends on 29 July 2016, when it received its most recent waiver request.¹⁵

3.1 Waiver Request Response Times

The figures below are derived from the list of data retention waiver requests received by ICANN org, submission dates, announcement dates, and elapsed days from request submission to result announcement.¹⁶ [Chart 1](#) shows the data in graphic form, and [Table 1](#) presents descriptive statistics of the dataset. They illustrate that data retention waiver assessment periods have varied significantly since ICANN org received the first request in September 2013.

ICANN Board): Consideration of GNSO EPDP Recommendations on the Temporary Specification for gTLD Registration Data,” <https://www.icann.org/resources/board-material/resolutions-2019-05-15-en#1.b>

¹⁵ For reference, see [Table 2: Registrar Data Retention Waiver Requests](#) in [Appendix 5.1: Data Retention Waiver Submissions and Announcements](#)

¹⁶ Ibid.

Chart 1 shows a skew toward longer response times from 17 September 2013 to 17 June 2014, roughly the first third of the observation period. Beginning in August 2014, response times to waiver requests show a clear and substantial overall downward trend, with far fewer response times ranging above 100 days.

Chart 1: Waiver Requests: Elapsed Days from Submission to Result

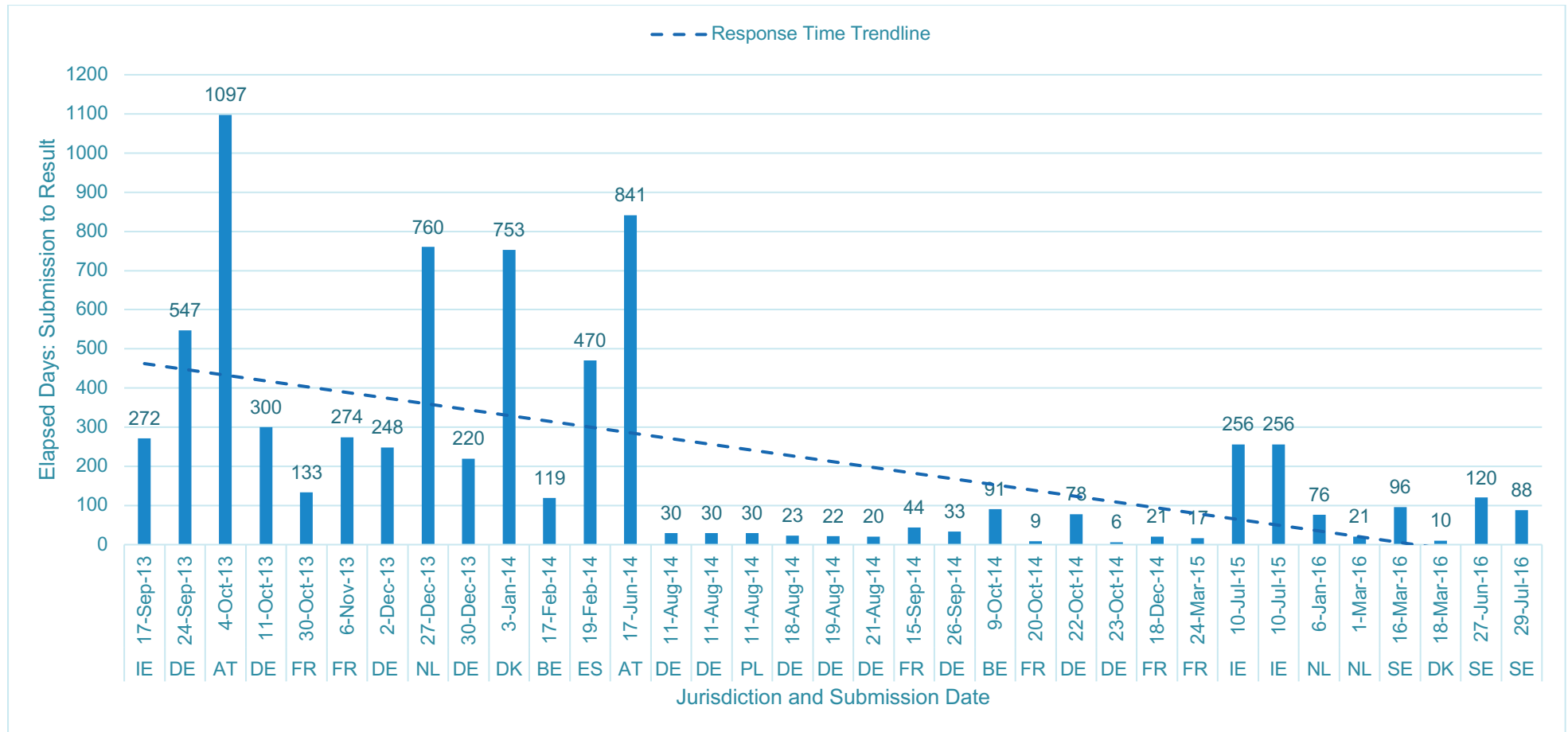


Table 1 below provides descriptive statistics for periods before and after August 2014 in order to better illustrate response time dynamics. It shows a clear and significant reduction in response times for the roughly two-thirds of requests received during “Period 2”:

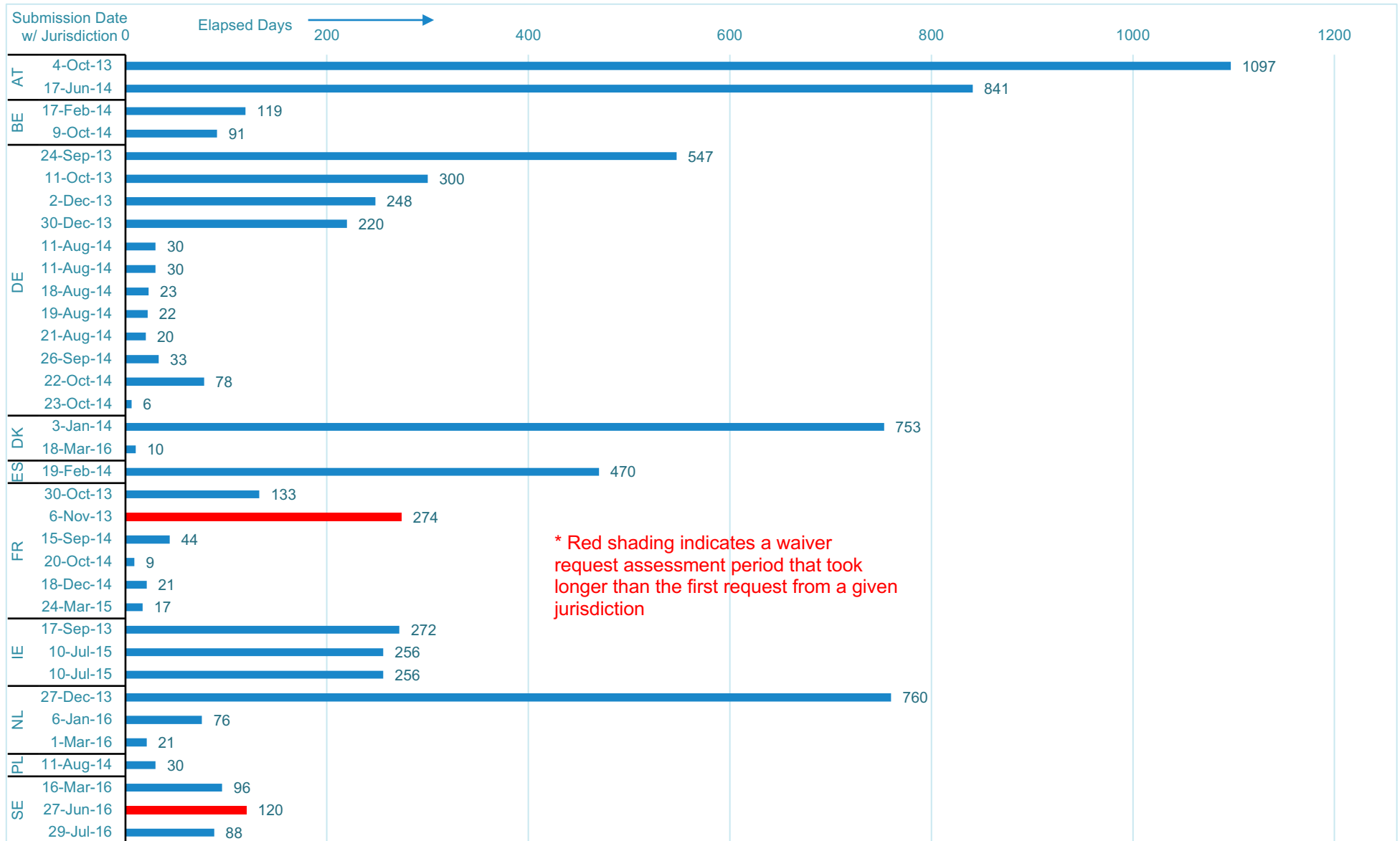
Table 1

Descriptive Statistics: Elapsed Days from Data Retention Waiver Request Submission to Announcement by Time Period

	Period 1 17 Sept 2013 to 17 June 2014	Period 2 11 Aug 2014 to 8 Mar 2017
Count of Requests Received	13	22
Mean Number of Days Elapsed	464	62
Maximum days elapsed	1097	256
Minimum days elapsed	119	6

Chart 2 below displays request processing times by jurisdiction. It shows significant reductions in response times for each subsequent request from the same jurisdiction

Chart 2: Response Times by Submission Date and Jurisdiction



The downward trends illustrated in the above tables and charts may demonstrate increased efficiency in evaluating waiver requests as legal questions surrounding the data protection waiver were addressed. During the first year of evaluations, ICANN org had been operating on the principle that each application was to be assessed individually based on the potential variation in data protection laws among EU member states (EU-wide law serves as a baseline on top of which member states may establish additional requirements or regulations).¹⁷ ICANN org staff involved in assessing waiver requests at the time noted that the response times for subsequent requests from the same jurisdiction generally showed dramatic decreases as time progressed (see [Chart 2](#) above), and indicated that the decreased response times were a result of increased experience within the org--and among requesting registrars and their legal representatives--on how to prepare for and assess the requests. Additionally, in January 2014, ICANN org's received a letter from the EU's Article 29 Working Party (discussed further below) that clarified its view that since all EU registrars are bound by the same national data protection laws, a single, standard application for a data retention waiver from EU-based registrars would be permissible under those laws.¹⁸ This clarification, combined with the learning curve of implementing a new, complex legal process, likely explains much of the longer response times seen in the earlier part of the observation period, and the shorter response times seen in the latter.

¹⁷ "Because each country may interpret its data privacy requirements differently, ICANN is working through each of the submitted requests, country-by-country." See ICANN.org (28 February 2014), "Update on the 2013 RAA and Data Retention Waiver Process," <https://www.icann.org/news/blog/update-on-2013-raa-and-data-retention-waiver-process>

¹⁸ Article 29 Data Protection Working Party (January 2014), Letter to Mr. John O. Jeffrey, ICANN General Counsel and Secretary, https://ec.europa.eu/justice/article-29/documentation/other-document/files/2014/20140108_letter_icann.pdf

3.2 GDPR Compliance

Prior to the GDPR--and while negotiations regarding the 2013 RAA were ongoing--European Data Protection Directive 95/46/EC governed how data was handled in the EU. According to the Article 29 Working Party, the GDPR is essentially a continuation of this Directive: it “is based on the same principles ... and [contains] no fundamental change in the available legal grounds [for handling data]...”¹⁹ As they pertain to data associated with domain names, both regulations generally permit retaining them, but only for legitimate purposes and limited time periods to fulfill the original purpose of their collection.²⁰

In discussions with ICANN org on the data retention requirements of the 2013 RAAs, a number of registrars requested clarification on the Agreement’s procedure for negotiating appropriate limitations, protections, or alternative solutions for collecting, retaining, and disclosing domain name data. They maintained that meaningful discussions on whether they could comply with the RAA--and the Data Retention Specification in particular--required ICANN org to first identify: 1) the legitimate legal purposes for which the retained data would be used; 2) if and how ICANN org would use such data; and 3) the duration for which such data should be retained.²¹ Many registrars acknowledged that legitimate purposes exist for the retention of the data elements specified in Articles 1.1 and 1.2 of the Specification, but sought assurance that its terms would be compatible with applicable EU data protection regulations.

¹⁹ See EU Article 29 Data Protection Working Party (11 December 2017), Letter to Dr. Cherine Chalaby and Mr. Göran Marby (Chairman and President and CEO of the ICANN Board of Directors), https://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=611167

²⁰ The 2013 RAA maintained the requirements from previous versions of the Agreement for registrars to inform registrants about: 1) the purposes for collecting any personal data; 2) the intended recipients of the data; 3) which data are obligatory; 4) how to access and rectify the data held about them; and 5) the requirement that data collection may only be conducted with the consent of the registrant..

²¹ ICANN.org (5 June 2015), “Advisory Concerning Registrar Obligations to Provide Data to ICANN Pursuant to Section 3.4.3 of the 2013 RAA” <https://www.icann.org/news/announcement-2015-06-05-en>

This discussion was ongoing when the data retention requirements of the 2013 RAA took effect in January 2014.²² By June 2014-- while the discussion continued--ICANN org had received 13 waiver requests from EU-based registrars. ICANN org committed to not enforcing the terms of the Specification for registrars who submitted waiver requests, so long as good faith negotiations between the org, registrar, relevant regulatory authorities, and legal counsel were ongoing.²³ Also, in January 2014, ICANN org received the letter noted above from the EU's Article 29 Working Party, which had written to ICANN org to express its concerns about the legality of data retention requirements of the 2013 RAA within the EU.²⁴ This letter clarified that "Each Registrar operating within the Member States of the European Union is subject to the European Data Protection Directive 95/46/EC6 and therefore each Waiver Request could be considered by ICANN org as an identical request rather than process each individually." The Data Retention Specification states:

If (i) ICANN has previously waived compliance with the requirements of any requirement of this Data Retention Specification in response to a waiver request from a registrar that is located in the same jurisdiction as Registrar and (ii) Registrar is subject to the same applicable law that gave rise to ICANN's agreement to grant such waiver, Registrar may request that ICANN to grant a similar waiver, which request shall be approved by ICANN, unless ICANN provides Registrar with a reasonable justification for not approving such request, in which case Registrar may thereafter make a waiver request pursuant to Section 2 of this Data Retention Specification.

²² Recall that the 2013 RAA went into effect in August 2013, but the requirements of the Specification did not until January 2014. See: ICANN.org (31 July 2013), "Advisory: Registrar Implementation of the 2013 RAA's Whois Requirements," <https://www.icann.org/news/announcement-2013-07-31-en>

²³ "If good faith discussions are ongoing between ICANN and the registrar...ICANN would refrain from commencing a compliance procedure against the registrar...for a reasonable period of time with the goal of allowing the good faith discussions to facilitate a resolution." See ICANN.org (5 June 2015), "Advisory Concerning Registrar Obligations to Provide Data to ICANN Pursuant to Section 3.4.3 of the 2013 RAA," <https://www.icann.org/news/announcement-2015-06-05-en>

²⁴ Article 29 Data Protection Working Party (8 January 2014), Letter to Mr. John O. Jeffrey, ICANN General Counsel and Secretary, https://ec.europa.eu/justice/article-29/documentation/other-document/files/2014/20140108_letter_icann.pdf

4 Summary

The EPDP Team requested that ICANN org “review its current data retention waiver procedure to improve efficiency, request response times, and GDPR compliance...”. In terms of GDPR compliance, the waiver request process emerged in the context of European Data Protection Directive 95/46/EC; the GDPR did not change this pre-existing legal framework. Thus, it did not have a material impact on ICANN org’s treatment of waiver requests.

Request response times represent a proxy measure for “efficiency” in the context of this report, and as the data and analysis above show, request response times decreased significantly once the legal questions surrounding the waiver were addressed. The prolonged response times evident in the “Period 1” batch of waiver requests were not evident in those received during “Period 2”, indicating improvements in how waiver requests were handled (see [Table 1](#) above).

For the first batch of waiver requests, the parties involved held differing interpretations on the legal basis for which they could retain data for the contractually-mandated period of time. During this time, ICANN org, registrars, DPAs, and their respective legal representatives worked toward a common understanding of applicable law and the terms of the 2013 RAA. Reconciling these interpretations in the early days of the request procedure resulted in longer response times in approving waiver applications compared to the “Period 2” time frame defined in [Table 1](#).

ICANN org staff involved in processing waiver requests corroborated the quantitative evidence above, noting that, in general, subsequent requests from the same jurisdiction took less time than the first as familiarity with applicable law increased. Combined, the quantitative and qualitative evidence presented herein illustrates an organic increase in efficiency as organizational experience with the waiver request process and applicable legal criteria grew.

4.1 Considerations for the Waiver Request Process

To further decrease response times, the EPDP Team suggested in Recommendation 15.4 that ICANN org assess the potential for registrars to obtain a data retention waiver by invoking waivers previously-granted to other registrars in their jurisdiction:

“...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.”

Currently, ICANN org reviews waiver applications individually, but may draw on previously approved requests from the same jurisdiction as the basis for its approval or denial. This helps decrease response times. While a notification invoking a previously-granted waiver may increase efficiency of the waiver procedure for the contracted party, ICANN org would still need to assess the applicability of the previously approved waiver to the entity submitting the notice. Records and documentation associated with a waiver request are important to enable ICANN org’s contractual compliance function to accurately identify which contractual terms and requirements are in place for a particular contracted party.

Another factor in assessing waiver requests involves the required 30-day period between publishing a waiver request’s preliminary and final determinations.²⁵ This period gives interested stakeholders an opportunity to review and comment on ICANN org’s Preliminary Determination to grant a waiver. During the course of the observation period, 15 public comments were submitted in response to 9 Preliminary Determination notices. While none indicated objections to a proposed waiver, the Intellectual Property Constituency (IPC)—who provided comments on each of the 9 Preliminary Determination notices—conditioned its support of a

²⁵ See points 5 - 7 in [Appendix 5.3: ICANN Process for Handling Registrar Data Retention Waiver Requests](#)

waiver on clarifying the legal basis on which those waivers would be granted, and whether that basis would apply to other registrars in the same jurisdiction.²⁶

The Phase 2 Team of the EPDP is continuing to address its charter questions related to data retention, and it remains for the Team to address whether adjustments to existing data retention requirements and processes are necessary. Any such adjustment may impact previously-approved waiver requests as well as ICANN org's assessment of any future requests. With the work of the EPDP Team in mind, ICANN org would not suggest undertaking modifications to the waiver procedure until this work and any other recommendations are completed.

²⁶ See ICANN.org, "Public Comments Archive," at <https://www.icann.org/public-comments/archive>



5 Appendices

5.1 Data Retention Waiver Submissions and Announcements

Table 2 lists all data retention waiver requests received by ICANN, the date the request was submitted, the date the final result of the request was announced, and the count of days to process and announce the result of each request. It is the basis for [Chart 1](#), [Table 1](#), and [Chart 2](#) above.

Table 2: Registrar Data Retention Waiver Requests²⁷

Registrar	Jurisdiction	Request submitted	Announcement Date w/ Link
Blacknight (IANA: 1448)	Ireland	17-Sep-13	16-Jun-14
Secura GmbH (IANA: 111)	Germany	24-Sep-13	25-Mar-15
LEDL.NET GmbH (IANA: 809)	Austria	4-Oct-13	5-Oct-16
1API GmbH (IANA: 1387)	Germany	11-Oct-13	7-Aug-14
OVH sas (IANA: 433)	France	30-Oct-13	12-Mar-14
Mailclub SAS (IANA: 1290)	France	6-Nov-13	7-Aug-14
RegistryGate GmbH (IANA: 1328)	Germany	2-Dec-13	7-Aug-14
Realtime Register B.V. (IANA: 839)	Netherlands	27-Dec-13	26-Jan-16
Ingenit GmbH & Co. KG (IANA: 1700)	Germany	30-Dec-13	7-Aug-14
Ascio Technologies, Inc. (IANA: 106)	Denmark	3-Jan-14	26-Jan-16
NameWeb BVBA (IANA: 1464)	Belgium	17-Feb-14	16-Jun-14
Corehub, S.R.L. (IANA: 15)	Spain	19-Feb-14	4-Jun-15
World4You Internet Services GmbH (IANA: 1476)	Austria	17-Jun-14	5-Oct-16
AZ.PL, Inc. (IANA: 1006)	Poland	11-Aug-14	10-Sep-14

²⁷ See ICANN.org, “Requesting a Waiver of Data Retention Obligations (2013 RAA),” <https://www.icann.org/resources/pages/retention-2013-09-13-en>

Registrar	Jurisdiction	Request submitted	Announcement Date w/ Link
InterNetworX Ltd. & Co. KG (IANA: 1420)	Germany	11-Aug-14	10-Sep-14
Key-Systems GmbH (IANA: 269)	Germany	11-Aug-14	10-Sep-14
Moniker Online Services LLC (IANA: 228)	Germany	18-Aug-14	10-Sep-14
http.net Internet GmbH (IANA: 976)	Germany	19-Aug-14	10-Sep-14
Key-Systems LLC (IANA: 1345)	Germany	21-Aug-14	10-Sep-14
IP TWINS SAS (IANA: 1728)	France	15-Sep-14	29-Oct-14
Hostserver GmbH (IANA: 1699)	Germany	26-Sep-14	29-Oct-14
Register NV dba Register.eu (IANA: 1467)	Belgium	9-Oct-14	8-Jan-15
Gandi SAS (IANA: 81)	France	20-Oct-14	29-Oct-14
CSL Computer Service Langenbach GmbH (IANA: 113)	Germany	22-Oct-14	8-Jan-15
CPS-Datensysteme GmbH (IANA: 1239)	Germany	23-Oct-14	29-Oct-14
Online SAS (IANA: 74)	France	18-Dec-14	8-Jan-15
Nordnet (IANA: 68)	France	24-Mar-15	10-Apr-15
Emerald Registrar Limited (IANA: 1735)	Ireland	10-Jul-15	22-Mar-16
101domain GRS Limited (IANA: 1736)	Ireland	10-Jul-15	22-Mar-16
Hosting Concepts BV (IANA: 1647)	Netherlands	6-Jan-16	22-Mar-16
TransIP BV (IANA: 1603)	Netherlands	1-Mar-16	22-Mar-16
Binero AB (IANA: 1581)	Sweden	16-Mar-16	20-Jun-16
One.com (GURID: 1462)	Denmark	18-Mar-16	28-Mar-16
DomainInfo AB (IANA: 73)	Sweden	27-Jun-16	25-Oct-16
Nordreg AB (IANA: 638)	Sweden	29-Jul-16	25-Oct-16

5.2 Comparison of Data Collection Requirements Between 2009 and 2013 Registrar Accreditation Agreements and the Data Retention Specification

The table below shows a comparison of the data retention requirements of each contract. Bold text has been added to emphasize differences between the contracts.²⁸

Provision	2009 RAA (3 year retention requirement)	2013 RAA (2 year retention requirement)	Data Retention Specification (2 year or 180 day retention requirement)
3.3	<u>Public Access to Data on Registered Names</u> During the Term of this Agreement:		1.1. Registrar shall collect the following information from registrants at the time of registration of a domain name (a "Registration") and shall maintain that information for the duration of Registrar's sponsorship of the Registration and for a period of two additional years thereafter: 1.1.1. First and last name or full legal name of registrant; 1.1.2. First and last name or, in the event registrant is a legal person, the title of the registrant's administrative contact, technical contact, and billing contact; 1.1.3. Postal address of registrant, administrative contact, technical contact, and billing contact; 1.1.4. Email address of registrant, administrative contact, technical contact, and billing contact; 1.1.5. Telephone contact for registrant, administrative contact, technical contact, and billing contact; 1.1.6. WHOIS information, as set forth in the WHOIS Specification;
3.3.1	At its expense, Registrar shall provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date (i.e., updated at least daily) data concerning all active Registered Names sponsored by Registrar for each TLD in which it is accredited. The data accessible shall consist of elements that are designated from time to time according to an ICANN adopted specification or policy. Until ICANN otherwise specifies by means of an ICANN adopted specification or policy, this data shall consist of the following elements as contained in Registrar's database: [see 3.3.1.1 thru 3.3.1.8 below]	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 (each accessible via both IPv4 and IPv6) providing free public query-based access to up-to-date (i.e., updated at least daily) data concerning all active Registered Names sponsored by Registrar in any gTLD. Until otherwise specified by a Consensus Policy, such data shall consist of the following elements as contained in Registrar's database: [see 3.3.1.1 thru 3.3.1.8 below]	
3.3.1.1	Name of the Registered Name		

²⁸ See also: ICANN.org (22 April 2013), "Data Retention Specification" [draft: 2009 - 2013 tracked changes], <https://www.icann.org/en/system/files/files/proposed-data-retention-03jun12-redline-22apr13-en.pdf>,

Provision	2009 RAA (3 year retention requirement)	2013 RAA (2 year retention requirement)	Data Retention Specification (2 year or 180 day retention requirement)
3.3.1.2	Names of the primary nameserver and secondary nameserver(s) for the Registered Name		<p>1.1.7. Types of domain name services purchased for use in connection with the Registration; and</p> <p>1.1.8. To the extent collected by Registrar, "card on file," current period third party transaction number, or other recurring payment data.</p> <p>1.2. Registrar shall collect the following information and maintain that information for no less than one hundred and eighty (180) days following the relevant interaction:</p> <p>1.2.1. Information regarding the means and source of payment reasonably necessary for the Registrar to process the Registration transaction, or a transaction number provided by a third party payment processor;</p> <p>1.2.2. Log files, billing records and, to the extent collection and maintenance of such records is commercially practicable or consistent with industry-wide generally accepted standard practices within the industries in which Registrar operates, other records containing communications source and destination information, including, depending on the method of transmission and without limitation: (1) Source IP address, HTTP headers, (2) the telephone, text, or fax number; and (3) email address, Skype handle, or instant messaging identifier, associated with communications between Registrar and the</p>
3.3.1.3	Identity of Registrar (which may be provided through Registrar's website)		
3.3.1.4	Original creation date of the registration		
3.3.1.5	Expiration date of the registration		
3.3.1.6	Name and postal address of the Registered Name Holder		
3.3.1.7	Name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the Registered Name		
3.3.1.8	Name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the Registered Name.		
3.4	<u>Retention of Registered Name Holder and Registration Data</u>		
	During the Term of this Agreement:		
3.4.1	Registrar shall maintain its own electronic database, as updated from time to time, containing data for each active Registered Name sponsored by it within each TLD for which it is accredited. The data for each such registration shall include the elements listed in Subsections 3.3.1.1 through 3.3.1.8; the name and (where available) postal address, e-mail address, voice telephone number, and fax number of the billing contact; and any	Registrar shall maintain its own electronic database, as updated from time to time, containing data for each active Registered Name sponsored by it within each TLD for which it is accredited. The data for each such registration shall include the elements listed in Subsections 3.3.1.1 through 3.3.1.8; the name and (where available) postal address, e-mail address, voice telephone number, and fax number of the billing contact; and any other	

Provision	2009 RAA (3 year retention requirement)	2013 RAA (2 year retention requirement)	Data Retention Specification (2 year or 180 day retention requirement)
	<p>other Registry Data that Registrar has submitted to the Registry Operator or placed in the Registry Database under Subsection 3.2. Also, Registrar shall either (1) include in the database the name and postal address, e-mail address, and voice telephone number provided by the customer of any privacy service or licensee of any proxy registration service offered or made available by Registrar or its affiliate companies in connection with each registration or (2) display a conspicuous notice to such customers at the time an election is made to utilize such privacy or proxy service that their data is not being escrowed.</p>	<p>Registry Data that Registrar has submitted to the Registry Operator or placed in the Registry Database under Subsection 3.2. Also, Registrar shall either (1) include in the database the name and postal address, e-mail address, and voice telephone number provided by the customer of any privacy service or licensee of any proxy registration service offered or made available by Registrar or its affiliate companies in connection with each registration</p>	<p>registrant about the Registration; and</p> <p>1.2.3. Log files and, to the extent collection and maintenance of such records is commercially practicable or consistent with industry-wide generally accepted standard practices within the industries in which Registrar operates, other records associated with the Registration containing dates, times, and time zones of communications and sessions, including initial registration.</p>
3.4.1.1	N/A	<p>Data specified in the Data Retention Specification attached hereto for the period specified therein</p>	
3.4.1.2	N/A (collected per 3.4.1)	Data elements listed in Subsections 3.3.1.1 through 3.3.1.8;	
3.4.1.3	N/A (collected per 3.4.1)	Name and (where available) postal address, e-mail address, voice telephone number, and fax number of the billing contact;	
3.4.1.4	N/A (collected per 3.4.1)	Any other Registry Data that Registrar has submitted to the Registry Operator or placed in the Registry Database under Subsection 3.2; and	

Provision	2009 RAA (3 year retention requirement)	2013 RAA (2 year retention requirement)	Data Retention Specification (2 year or 180 day retention requirement)
3.4.1.5	N/A (collected per 3.4.1)	Name, postal address, e-mail address, and voice telephone number provided by the customer of any privacy service or licensee of any proxy registration service, in each case, offered or made available by Registrar or its Affiliates in connection with each registration.	
3.4.2	During the Term of this Agreement and for three (3) years thereafter , Registrar (itself or by its agent(s)) shall maintain the following records relating to its dealings with the Registry Operator(s) and Registered Name Holders:	During the Term of this Agreement and for two (2) years thereafter , Registrar (itself or by its agent(s)) shall maintain the following records relating to its dealings with the Registry Operator(s) and Registered Name Holders:	
3.4.2.1	In electronic form, the submission date and time, and the content, of all registration data (including updates) submitted in electronic form to the Registry Operator(s)		
	In electronic, paper, or microfilm form, all written communications constituting registration applications, confirmations, modifications, or terminations and related correspondence with Registered Name Holders, including registration contracts		
3.4.2.3	In electronic form, records of the accounts of all Registered Name Holders with Registrar, including dates and amounts of all payments and refunds	In electronic form, records of the accounts of all Registered Name Holders with Registrar	
3.4.3	During the Term of this Agreement and for three (3) years thereafter , Registrar shall make these records available for inspection and copying by ICANN upon reasonable notice. ICANN shall not disclose the content of such records except as expressly permitted by an ICANN specification or policy.	During the Term of this Agreement and for two (2) years thereafter , Registrar shall make the data, information and records specified in this Section 3.4 available for inspection and copying by ICANN upon reasonable notice. In addition, upon reasonable notice and request from ICANN, Registrar shall deliver copies of such data,	

Provision	2009 RAA (3 year retention requirement)	2013 RAA (2 year retention requirement)	Data Retention Specification (2 year or 180 day retention requirement)
		<p>information and records to ICANN in respect to limited transactions or circumstances that may be the subject of a compliance-related inquiry; provided, however, that such obligation shall not apply to requests for copies of the Registrar's entire database or transaction history. Such copies are to be provided at Registrar's expense. In responding to ICANN's request for delivery of electronic data, information and records, Registrar may submit such information in a format reasonably convenient to Registrar and acceptable to ICANN so as to minimize disruption to the Registrar's business. ... In the event Registrar believes that the provision of any such data, information or records to ICANN would violate applicable law or any legal proceedings, ICANN and Registrar agree to discuss in good faith whether appropriate limitations, protections, or alternative solutions can be identified to allow the production of such data, information or records in complete or redacted form, as appropriate. ICANN shall not disclose the content of such data, information or records except as expressly required by applicable law, any legal proceeding or Specification or Policy.</p>	
3.4.4	Notwithstanding any other requirement in this Agreement, Registrar shall not be obligated to maintain records relating to a domain registration beginning on the date three (3) years following the domain registration's deletion or transfer away to a different	Notwithstanding any other requirement in this Agreement or the Data Retention Specification, Registrar shall not be obligated to maintain records relating to a domain registration beginning on the date two (2) years following the domain registration's	

Provision	2009 RAA (3 year retention requirement)	2013 RAA (2 year retention requirement)	Data Retention Specification (2 year or 180 day retention requirement)
	registrar.	deletion or transfer away to a different registrar.	

5.3 ICANN Process for Handling Registrar Data Retention Waiver Requests²⁹

The 2013 Registrar Accreditation Agreement (RAA) includes within its Data Retention Specification (the "Specification") a provision by which registrars may request a waiver from compliance with specific terms and conditions of the Specification. This document describes how ICANN intends to consider such waiver requests. This process may be modified from time to time without notice.

1. Registrar submits request using form provided at [icann.org](https://www.icann.org).³⁰
2. Registrar Relations team member reviews request for completeness
 - a. If complete, request moves forward.
 - b. If not complete, request is sent back to registrar for further information.
3. Registrar Relations team member determines whether an identical request (same RAA provisions, same jurisdiction) has been approved for another registrar or is currently under review.
 - a. If a previous, identical request was approved, RR team member will approve request after obtaining confirmation with legal counsel, and proceed to step 8 below.
 - b. If a previous, identical request was rejected, RR team member will forward new and previously rejected request to legal counsel to determine whether new issues have been raised or information presented (or whether there has been a change in law) that warrant reconsideration. Proceed to next step.
 - c. If identical request is currently under review, the consideration of the requests will be combined, if practical.
 - d. If request has never been evaluated before, it proceeds to next step.

²⁹ Copied for reference from <https://www.icann.org/resources/pages/waiver-request-process-2013-09-13-en>

³⁰ The Data Retention Waiver Request Form may be downloaded at <https://www.icann.org/en/system/files/files/registrar-data-retention-waiver-request-2013-rra-22may18-en.doc>

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4. Registrar Relations team, in consultation with legal counsel as appropriate, will evaluate the request and may consider the merits of the submitted documents (on their face or with additional research) and, additionally, may consult with relevant experts (such as privacy law experts, legal authorities, GAC members, law enforcement representatives, etc.). ICANN may request additional information from the registrar.
 5. Preliminary Determination:
 - a. If the waiver request is preliminarily approved, ICANN will provide a summary of the determination (including the involved law(s) and RAA provision(s) to the registrar. Proceed to step 6
 - b. If the waiver request is preliminarily rejected, ICANN will provide a written explanation of the preliminary determination to the registrar with an invitation to either discuss the matter or provide rebutting information within two weeks. If new information is provided, it will be reconsidered as described in Step 4. Otherwise, proceed to Step 6.
 6. ICANN will post the preliminary determination to its website. The post will also include the preliminary determination date and the date upon which the preliminary determination will become final if not modified or rescinded. Once posted, the determination may also be flagged for inclusion in myicann.org. If approval was granted based on prior determination (Step 3(a) above), nothing new will be posted to icann.org.
 7. After 30 days have lapsed since posting, unless modified or rescinded, the preliminary determination will become final. ICANN will notify the registrar accordingly.
 8. ICANN's Registrar Relations staff will notify the Compliance team of the approved waiver and record same.
 9. Registrars will be required to periodically reaffirm that the pertinent law has not materially changed and that the conflict still exists. If feasible, RR team might send reminder notices. If ICANN becomes aware of a change of law, it may affirmatively address the matter with any registrar who was granted a waiver.

5.4 Approved Waiver Impact on Data Retention Specification (“DRS”) per Applicable Law

Waiver Result Publication Date	Registrar	Jurisdiction	Summary Impact of Waiver on DRS	Affected DRS Provisions	Law Cited
Dec-2013	Ingenit GmbH & Co KG	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b) 1.2.2 and 1.2.3 c) 1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG) and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Mar-2014	OVH SAS	FR	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Jun-2014	NAMEWEB BVBA	BE	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Jun-2014	Blacknight Internet Solutions	IE	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8 and 1.2.1 through 1.2.3	
Aug-2014	MAILCLUB SAS	FR	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Aug-2014	1API GmbH	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and	a) 1.1.1 through 1.1.8	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG)

Waiver Result Publication Date	Registrar	Jurisdiction	Summary Impact of Waiver on DRS	Affected DRS Provisions	Law Cited
			Articles 1.2.1 through 1.2.3 inclusive of the Specification	b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Aug-2014	Registry Gate GmbH	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG) and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Aug-2014	AZ.PL, Inc.	PL	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG) and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Aug-2014	http.net Internet GmbH	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG) and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG

Waiver Result Publication Date	Registrar	Jurisdiction	Summary Impact of Waiver on DRS	Affected DRS Provisions	Law Cited
Sep-2014	InterNetworX Ltd. & Co. KG	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG) and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Sep-2014	Key-Systems GmbH	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG) and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Sep-2014	Key-Systems, LLC	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG) and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Sep-2014	Moniker Online Services LLC	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG) and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG

Waiver Result Publication Date	Registrar	Jurisdiction	Summary Impact of Waiver on DRS	Affected DRS Provisions	Law Cited
				c)1.2.1 through 1.2.3	
Oct-2014	GANDI SAS	FR	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Oct-2014	IP Twins SAS	FR	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Oct-2014	CPS-Datensysteme GmbH	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG) and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Oct-2014	Hostserver GmbH	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG) and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Jan-2015	Register NV dba Register.eu	BE	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Jan-2015	Online SAS	FR	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	

Waiver Result Publication Date	Registrar	Jurisdiction	Summary Impact of Waiver on DRS	Affected DRS Provisions	Law Cited
Jan-2015	CSL Computer Service Langenbach GmbH	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Mar-2015	Secura GmbH	DE	Collection and retention requirements for data listed in Articles 1.1.1 through 1.1.8 and Articles 1.2.1 through 1.2.3 inclusive of the Specification	a) 1.1.1 through 1.1.8 b)1.2.2 and 1.2.3 c)1.2.1 through 1.2.3	Sec. 35 para. 3 German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG and Sec. 13 para. 4 no. 2 German Telemedia Act (Telemediengesetz – TMG) and Sec. 35 para. 3 BDSG
Apr-2015	NordNet SA	FR	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Jun-2015	COREHUB S.R.L	ES	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Jan-2016	ASCIO TECHNOLOGIES, INC. DANMARK – FILIAL AF ASCIO TECHNOLOGIES, INC. USA	DK	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	

Waiver Result Publication Date	Registrar	Jurisdiction	Summary Impact of Waiver on DRS	Affected DRS Provisions	Law Cited
Jan-2016	Hosting Concepts B.V. d/b/a Openprovider	NL	Retention of specific data items listed in Paragraphs 1.2.2 and 1.2.3	1.2.2 and 1.2.3	
Jan-2016	Realtime Register B.V	NL	Retention of specific data items listed in Paragraphs 1.2.2 and 1.2.3	1.2.2 and 1.2.3	
Mar-2016	101DOMAIN GRS LIMITED	IE	Period of "two additional years" in Paragraph 1.1 modified to "one additional year" and period of 180 days in Paragraph 1.2 modified to 90 days.	1.1.1 through 1.1.8 and 1.2.1 through 1.2.3	
Mar-2016	EMERALD REGISTRAR LIMITED	IE	Period of "two additional years" in Paragraph 1.1 modified to "one additional year" and period of 180 days in Paragraph 1.2 modified to 90 days.	1.1.1 through 1.1.8 and 1.2.1 through 1.2.3	
Mar-2016	TransIP B.V.	NL	Retention of specific data items listed in Paragraphs 1.2.2 and 1.2.3	1.2.2 and 1.2.3	
Mar-2016	ONE.COM A/S	DK	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Jun-2016	BINERO AB, SWEDEN	SE	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Oct-2016	LEDL.NET GmbH	AU	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	Article 6 para. 1 nos. 2 and 5 of the Austrian Data Protection Act (Datenschutzgesetz 2000)

Waiver Result Publication Date	Registrar	Jurisdiction	Summary Impact of Waiver on DRS	Affected DRS Provisions	Law Cited
					Waiver obliged ICANN org to provide list of legitimate purposes, recipients, and/or categories of recipients for which/whom data elements would be retained. ³¹
Oct-2016	World4You Internet Service GmbH	AU	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	Article 6 para. 1 nos. 2 and 5 of the Austrian Data Protection Act (Datenschutzgesetz 2000) Waiver obliged ICANN org to provide list of legitimate purposes, recipients, and/or categories of recipients for which/whom data elements would be retained [see footnote 31].
Oct-2016	Domaininfo AB	SE	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	
Oct-2016	Nordreg AB	SE	Period of "two additional years" in Paragraph 1.1 modified to "one additional year."	1.1.1 through 1.1.8	

³¹ See ICANN.org, *Description of 2013 RAA Data Retention Specification – Data Elements, Legitimate Purposes for Collection/Retention and Recipients of Data*, <https://www.icann.org/en/system/files/files/raa-data-retention-elements-10aug15-en.pdf>



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