

**ICANN**

**VIRTUAL COMMUNITY FORUM**

**67**

**7-12 March 2020**

# **gTLD Registration Data Policy Implementation**

**The Implementation of the EPDP Phase 1  
Consensus Policy Recommendations**

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Implementation Review Team (IRT) Meeting #21 ICANN 67

11 March 2020



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# Registration Data Policy Implementation Overview

Agenda Item 1

# Board Resolution Review

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- 15 May 2019: 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>
- 11 resolutions: (2019.05.15.02) to (2019.05.15.12)
- 27 of 29 recommendations adopted.
- Two recommendations adopted in part:
  - Recommendation 1: Purposes #2
  - Recommendation 12: Org field deletion
- Three categories in Board scorecard:
  - A: Recommendations adopted as is
  - B: Recommendations adopted with comments
  - C: Recommendation not adopted in whole

# Registration Data Policy Accomplishments



# The Interim Registration Data Policy

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- Published on 17 May 2019: Interim Registration Data Policy for gTLDs
  - <https://www.icann.org/resources/pages/interim-registration-data-policy-en>
  - Temporary Spec expired on 20 May 2019.
- Effective 20 May 2019:
  - Contracted parties must continue to implement measures consistent with the [Temporary Specification for gTLD Registration Data](#) as adopted by the ICANN Board on 17 May 2018.

# Policy Implementation Team Activities

Agenda Item 2

Implementation Project Team (IPT)  
Policy Review Team (IRT)



# Implementation Team Activities

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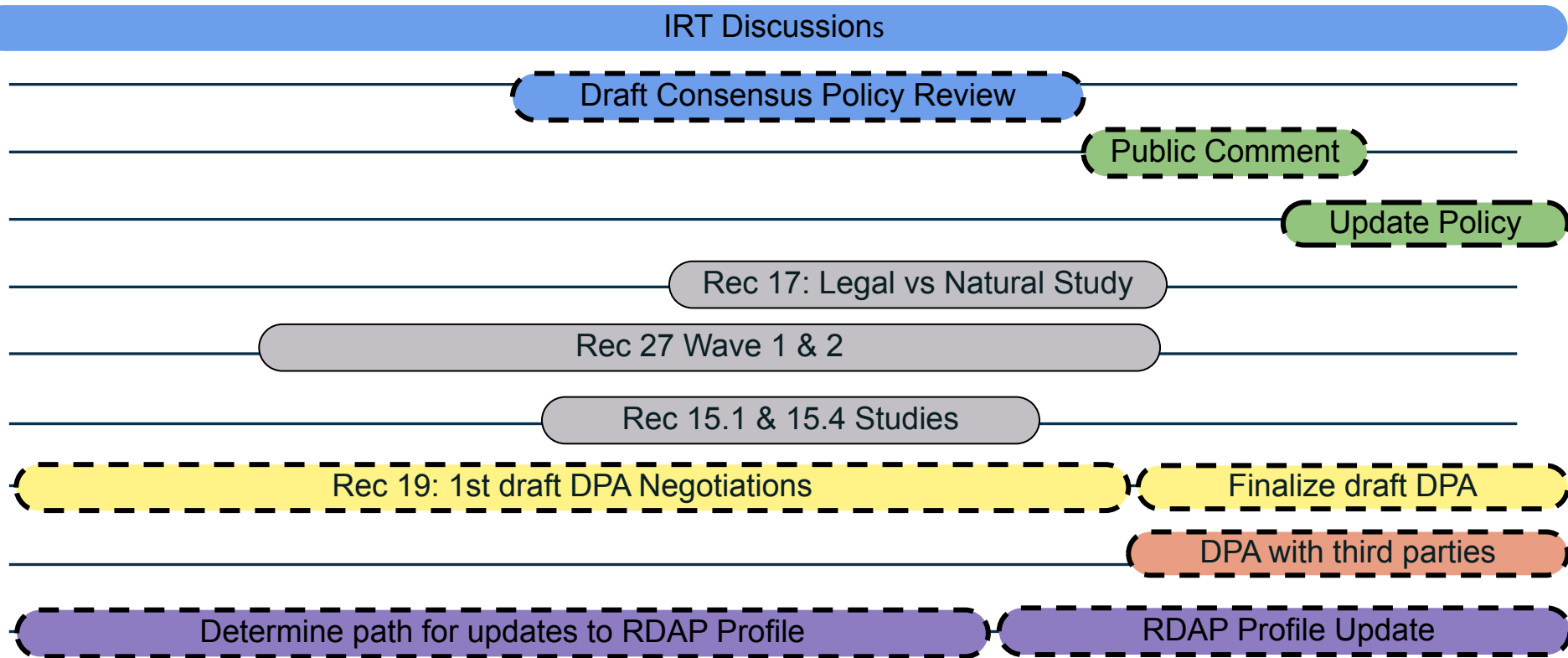
- The ICANN org and community volunteers of the are working collaboratively to implement the Registration Data Policy (EPDP Phase 1 Recommendations).
- Implementation team is composed of the ICANN org Implementation Project Team (IPT) and the community Implementation Review Team (IRT)
- Implementation team is well-supported with 12 core members from ICANN org and 38 IRT members with affiliations including RySG, RrSG, IPC, NCSG, BC, AFRALO, NCUC, ccNSO, APRALO, ISPCP, and GAC.

# Policy Implementation Process

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1. Study Board Resolutions & PDP Recommendations
  2. Determine Implementation Requirements
  3. Create Implementation Tasks
    - a. begin first draft of policy language
  4. Estimate scope and time of implementation tasks
  5. Define Implementation schedule
    - a. Analyze implementation critical path (default 6 months?)
  6. Complete Draft Policy Language
  7. Conduct Public Comment period
  8. Review Public Comments and Publish Summary and Analysis Public Comment report
  9. Revise implementation plan per public comment
  10. Complete consensus policy language
  11. Announce and Publish the Policy with Effective Date
- Implementation continues to the policy effective date

# Concurrent Implementation Activities



# Implementation Team Outstanding Activities

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- Outstanding work includes completing the draft of the gTLD Registration Data Policy and a proposed implementation timeline to be shared for public comment, including the anticipated implementation time for contracted parties.
- This effort includes deliberation to resolve conflicting interpretation of some of the recommendations, evaluation of the policy requirements for technical feasibility, projection of the scope and time for the tasks to be implemented, and the assessment of the critical path to define a realistic implementation timeline.

# IRT Agenda on IRT wiki

# Policy Implementation Wiki workspace

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- Community wiki space for Registration Data Policy implementation.
  - GNSO - Implementation Review Team:  
<https://community.icann.org/x/hpaGBq>
- Public documents for implementation shared
- IRT Meeting Agenda and Minutes published
- IRT members are listed with their affiliation and links to their Statement of Interest (SOI).
- Home space for IRT where work products are shared for discussion and transparency

# IRT Meeting Agenda on IRT wiki

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<https://community.icann.org/display/RDPIRT/2020-03-11+-+ICANN67+-+Virtual+Registration+Data+Policy+Implementation+IRT+Meeting>

# Community Q&A



# Implementation Studies, Reports, and other activities

# Recommendation 15: Data Retention

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**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.

Report: <https://mm.icann.org/pipermail/gnso-epdp-team/2019-November/002747.html>

**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.

Report: <https://mm.icann.org/pipermail/gnso-epdp-team/2020-January/002910.html>

# Recommendation 17: Legal / Natural Persons

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The EPDP Team recommends that as soon as possible, ICANN org should undertake a study, for which the terms of reference are developed in consultation with the community, that considers:

- The feasibility and costs, including both implementation and potential liability costs, of differentiation between legal and natural persons.
- Examples of industries or organizations that have successfully differentiated between legal and natural persons.
- Privacy risks to registered name holders of differentiating between legal and natural persons.
- Other potential risks (if any) to registrars and registries of not differentiating.

# Recommendation 27

- Recommendation 27 specifies the need to identify and address all policies or procedures that might be affected by the EPDP Phase 1 policy recommendations and the new Registration Data Policy.
- ICANN org performed a detailed review of a set of existing policies and procedures and drafted an analysis identifying impacted areas and potential changes to address the impact.
  - Impacts may include outdated provision language, higher-level issues (e.g. inconsistency of existing policy or procedure with Registration Data Policy), or implications for existing contractual provisions.
- This effort is being completed in two waves:
  - Wave 1 report (January 2020) includes consensus policies in effect: <https://gnso.icann.org/en/drafts/wave-1-draft-report-rdp-impacts-13jan20-en.pdf>
  - Wave 2 report is currently underway and will cover relevant (non-policy) procedures (e.g., Data Escrow, Trademark Clearinghouse).

# Recommendation 27 (cont'd)

- Wave 1 report includes an analysis of the **15** policies or procedures listed below and identifies the level of impact of the policy recommendations, which can be put into buckets as follows:

High Impact	Medium Impact	Low Impact
<ul style="list-style-type: none"><li><a href="#">Registry Registration Data Directory Services Consistent Labeling and Display Policy</a></li><li><a href="#">Thick RDDS (Whois) Transition Policy for .COM, .NET and .JOBS</a></li><li><a href="#">Transfer Policy</a></li><li><a href="#">Uniform Domain Name Dispute Resolution Policy (UDRP)</a> and <a href="#">Rules</a></li><li><a href="#">Uniform Rapid Suspension (URS)</a></li></ul>	<ul style="list-style-type: none"><li><a href="#">Expired Domain Deletion Policy (EDDP)</a></li><li><a href="#">Whois Data Reminder Policy (WDRP)</a></li></ul>	<ul style="list-style-type: none"><li><a href="#">AGP Limits Policy</a></li><li><a href="#">Additional Whois Information Policy (AGP)</a></li><li><a href="#">Expired Registration Recovery Policy (ERRP)</a></li><li><a href="#">Protection of IGO and INGO Identifier in All gTLDs Policy</a></li><li><a href="#">Registry Services Evaluation Policy (RSEP)</a></li><li><a href="#">Restored Names Accuracy Policy (RNAP)</a></li><li><a href="#">Revised ICANN Procedure for Handling WHOIS Conflicts with Privacy Law</a></li><li><a href="#">Whois Marketing Restriction Policy</a></li></ul>

## Next steps:

- The impacts for the items described in Wave 1 report appear to be within the remit of the GNSO, as they are either consensus policies or currently being considered in a GNSO PDP.
- Wave 1 final report, with any updates from the IRT review, will be submitted to the GNSO Council who will then determine next steps (e.g., EPDP, GNSO Guidance Process, etc.).

# Recommendations 19 & 20: Data Protection Agreements

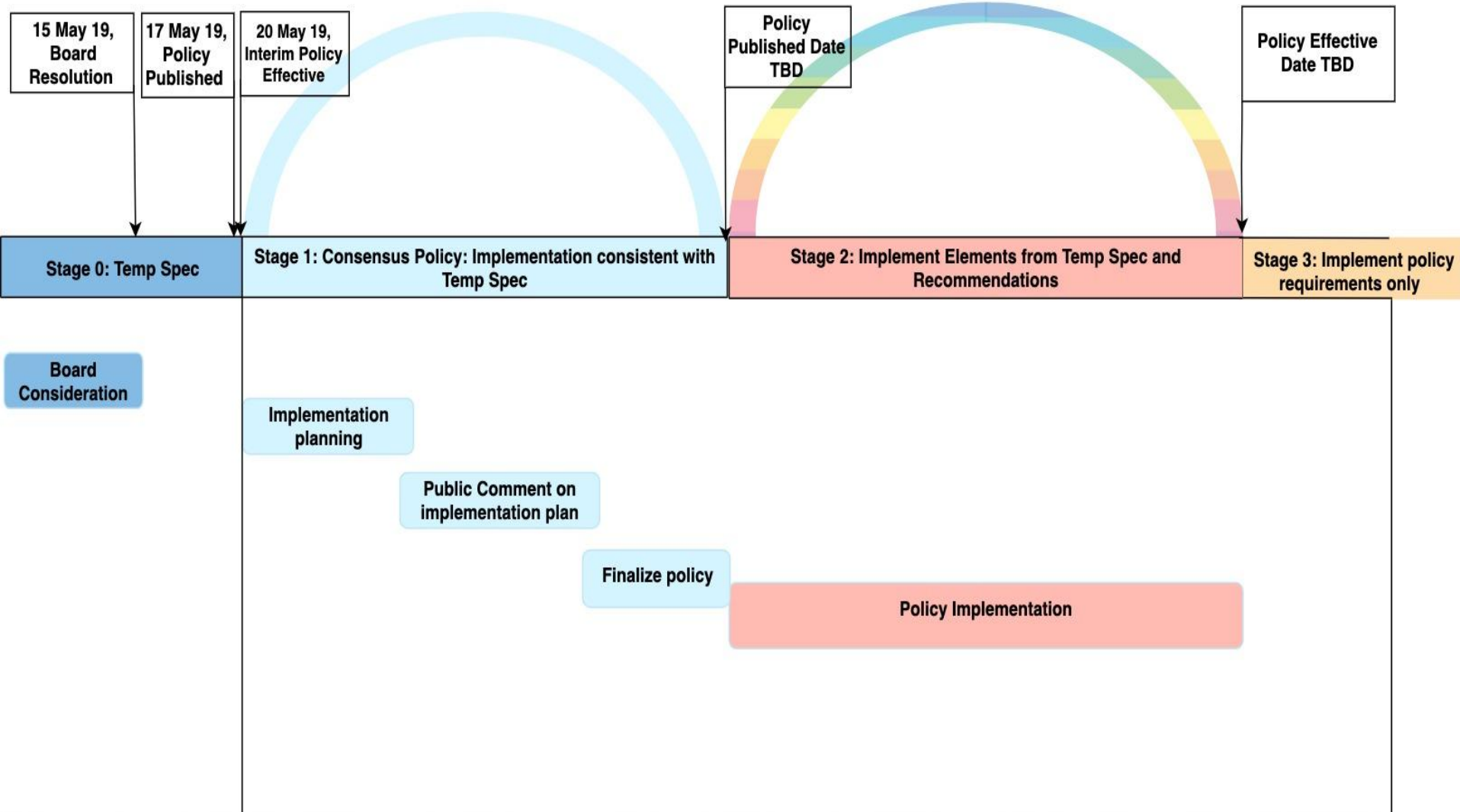
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*EPDP Recommendation 19: ICANN org to negotiate and enter into required data protection agreements, as appropriate, with contracted parties.*

*EPDP Recommendation 20: Include data processing activities and responsible parties in relevant data protection agreements.*

- **Status:** ICANN org and a group of contracted parties are working together to complete this deliverable. Effort has been a combination of face-to-face meetings and teleconferences.
- **Milestone:** Group has documented data processing required under ICANN agreements and policies (who does what and why).
- **Next Step:** Continue discussions to develop relevant draft agreements.

# Policy Transition Stages



# Implementation Timeline Discussion

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- The implementation team's goal was to produce a plan to meet the policy effective date of 29 February 2020 per the EPDP Recommendation #28.
- Upon assessing the scope of work required by the recommendations, the team concluded that the recommended policy effective date is not feasible.
- On 2 October 2019, the GNSO Council Liaison to the IRT communicated this finding to the GNSO Council.
- On 6 January 2020, ICANN CEO sent a letter to GAC regarding the timeline requested in a GAC Advice; recommended that the implementation team continue with the planning work and continue to keep the community informed.



# Implementation Project Team (IPT) Role

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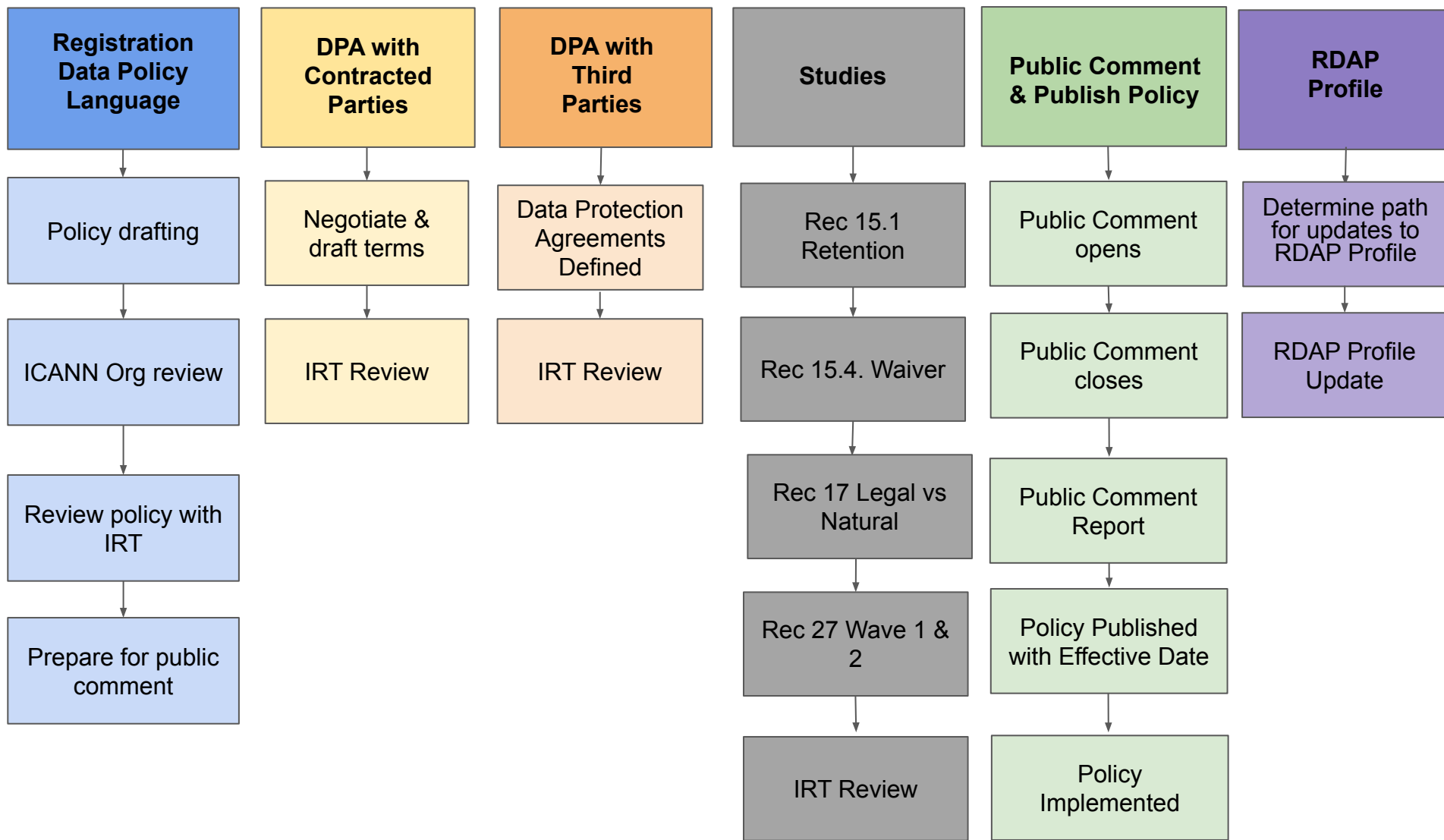
1. ICANN org program director builds and leads the IPT and IRT to implement the policy.
2. IPT designs and drafts an implementation plan for IRT review and subsequently for Public Comment.
3. IPT sets clear expectations and deadlines for IRT feedback on the implementation plan.
4. IPT provides regular status updates and shares relevant material with the IRT.
5. IPT in coordination with the IRT conducts appropriate outreach to the community at critical milestones.
6. IPT schedules IRT meetings and proposes agenda.
7. IPT publishes work product on the IRT wiki space.

# Implementation Review Team (IRT) Role

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1. Operates in accordance with Consensus Policy Implementation Framework.
2. Not a policymaking body.
3. Members should have a good understanding of the contents of the Final Report and Board Resolution including the Board scorecard.
4. Assists the IPT in implementation of the policy consistent with the Board-approved recommendations.
5. Provide subject matter expertise to IPT for implementation of the policy requirements.
6. Provides feedback and answers questions within deadlines requested by the IPT or communicates with the IPT if additional time is required.
7. Members must maintain current [Statement of Interest](#).

# Timeline of Remaining Activities



# Engage with ICANN



## Thank You and Questions

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