

## **Recommendation #4 – Third Party Purposes / Justifications**

Based on the staff support team review of the feedback provided by the different groups by the deadline on the discussion table, the following topics / issues are being put forward for discussion during Thursday's meeting. The input on these topics / issues, as well as non-controversial changes identified or where responses were aligned in the discussion table, will be used to develop a next iteration of the recommendation text for EPDP Team review. Note, known concerns, which have been considered and discussed previously have not been included and will not be discussed again unless new information has been provided.

### **Preliminary Recommendation #4. Third Party Purposes/Justifications**

The EPDP Team recognizes that:

- Third parties MAY submit data disclosure requests for specific purposes such as but not limited to: (i) criminal law enforcement, national or public security, (ii) non law enforcement investigations and civil claims, including, intellectual property infringement and UDRP and URS claims, (iii) consumer protection, abuse prevention, digital service provider (DSP) and network security, or (iv) Registered name holder consent, contract or responses to registered name holders' requests exercising their right of access.
- Assertion of one of these specified purposes does not guarantee access in all cases, but will depend on evaluation of the merits of the specific request, compliance with all applicable policy requirements, and the legal basis for the request.

Assumptions / Takeaways to factor into updated recommendation:

- Change 'third party' to requestor

Additional questions for EPDP Team:

1. Should purposes be removed from the title and the first sentence to avoid confusion with 'P'urposes as defined in phase 1?
2. Instead of a non-exhaustive list, should this be an exhaustive list of justifications that can be used by requestors?
3. Should iv) (Registered name holder consent, contract or responses to registered name holders' request exercising their right of access) be removed? Is it envisioned that registered name holders would provide consent via SSAD and if so, how would that work? Some have noted that in such a case it does not concern a requestor but the data subject whose rights are laid down by law and as such it does not belong here. Others have pointed out that consideration should be given to situations where personal data has been used maliciously by another party and the data subject does not have access to the account at the registrar.