

## Recommendations not considered by the EPDP Team

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.

### Assumptions / Takeaways:

- Although several groups indicated that SSAD should be able to accommodate ccTLDs should these want to join on a voluntary basis this is considered out of scope for the EPDP to recommend.
- Topics that have been considered before and were discarded are not reopened, unless there was unanimous support in the input provided.
- Topics that are the subject to the addendum will not be considered here but in the context of the review of comments on the addendum.
- No further outreach is expected at this stage – there have been several opportunities for the different groups to share their perspectives, either through early input, public comment or via groups represented on the EPDP.
- Some issues have been addressed as a result of recent deliberations (e.g. routing of requests)
- The recommendations do not prohibit collection and possible display of additional data by CPs as appropriate, noting that CL&D requirements will need to be met.

### Additional questions for EPDP Team:

1. "Further attention needs to be paid to the need for a clear legal basis for cross-border requests for and disclosure of data. Reflections in this direction are currently underway within the context of the negotiation of the Second Additional Protocol to the Budapest Convention on Cybercrime". How is this expected to be addressed in the Final Report? Is this expected to be included as a reminder to the CGM and CPs that they need to pay attention to any requirements that may apply to cross-border requests for and disclosure of data?
2. None of these preliminary recommendations address to whom the Contracted Party provides data being disclosed and how this is to be operationalized. The high-level principles indicate that data "are returned from the relevant Contracted Party directly to the requestor," this should be included in Preliminary Recommendation #8 (Response Requirements). *Note, this question was also flagged in the context of the automation recommendation and may have already been considered there.*