CPWG EPDP 2A PROPOSED APPROACH & TIME FRAME WEDNESDAY 16 DECEMBER 2020

Alan Greenberg Hadia ElMiniawi

AGENDA

- Introduction
- ☐ Unique Contacts Proposed Approach
- ☐ Unique Contacts Timing
- Legal vs Natural Proposed Approach
- Legal vs Natural Timing
- ☐ Conclusion: At-Large Action

12/16/20

UNIQUE CONTACTS - PROPOSED APPROACH

Is it feasible to require unique contacts to have a uniform anonymized email address across domain name registrations at a given Registrar, while ensuring security/ stability and not identifying the contact email address or the contact itself? Legal guidance received by the EPDP Team indicates that the options considered by the EPDP Team would still be treated as the publication of personal data on the web and therefore in potential violation of GDPR.

Are there other options that have not been considered yet that might not be considered publication of personal data?

Yes, other option(s) are identified that do not violate GDPR. Should this be a requirement for CPs?

No, no other options are identified that do not violate GDPR

Yes

No - what guidance, if any, can be provided to Contracted Parties who may want to implement uniform anonymized email addresses

UNIQUE CONTACTS - TIMING

Proposed step		Estimated Timing
1.	First meeting of EPDP Team — welcome & introductions, discuss proposed approach and timing	Mid-December 2020
1.	Pre-recorded webinar on legal memo (tentative)	Mid-December 2020
1.	 Homework assignment – EPDP Team to: Identify any clarifying questions in relation to legal memo Review legal memo and any other information deemed relevant and provide input on what options to require unique contacts to have a uniform anonymized email address across domain name registrations would not result in being treated as publication of personal data. 	By mid-January 2021
1.	EPDP Team to review input provided by EPDP team members and determine whether or not requiring unique contacts is feasible.	By mid-March 2021
1.	If answer to step 3 is yes, determine whether this should be a requirement and/or what guidance can be provided to CPs.	By mid-April 2021
1.	Publication of Initial Report for public comment	By end-April 2021

LEGAL VS NATURAL — PROPOSED APPROACH

EPDP Phase 1 Recommendation:
"Registrars and Registry Operators are
permitted to differentiate between
registrations of legal and natural persons,
but are not obligated to do so."

1) What guidance, if any, can be provided to Registrars and/or Registries who differentiate between registrations of legal and natural persons?

Are there best practices from other industries or ccTLDs that can be recommended / referenced (see for example, examples provided in org study)?

Is there any risk mitigation from the legal memos or org study that can be recommended?

Are there incentives that could/ should be provided to encourage differentiation?

2) In considering the guidance (see question above), the ICANN org study and models outlined in the paper, or other new information that has been provided, is a change to the EPDP Phase 1 recommendation warranted?

Yes - (identify new information and updates that should be made to the recommendation as a result)

How is risk minimized for CPs?

How is risk minimized for registrants?

Who will bear liability in case data of a natural person is inadvertently disclosed as a result of new requirements / obligations?

No

LEGAL VS NATURAL — TIMING

Proposed step		Estimated Timing
1.	First meeting of EPDP Team — welcome & introductions, discuss proposed approach and timing, Q & A on ICANN org study	Mid-December 2020
1.	Pre-recorded webinar on legal / natural study	Mid-December 2020
1.	Pre-recorded webinar on legal memos (see https://community.icann.org/x/YIAmCQ) (tentative)	Mid-December 2020
1.	 Homework assignment – EPDP Team to: Identify any clarifying questions in relation to legal/natural study and legal memos Review ICANN org study, legal memos and any other information deemed relevant and provide input on what guidance can be provided to Registrars and Registries who differentiate or want to differentiate between registrations of legal and natural persons. 	By mid-January 2021
1.	EPDP Team to review input provided by EPDP team members in relation to possible guidance and agree on what guidance, if any, should be recommended as part of the Initial Report.	By mid-March 2021
1.	EPDP Team to consider outcome of step 3 to make a determination on whether a change to the phase 1 recommendation is warranted.	By mid-April 2021
1.	Publication of Initial Report for public comment	By end-April 2021

CONCLUSION/AT-LARGE ACTION

□Do we agree with the proposed approach and timing?

12/16/20

THANK YOU - QUESTIONS?