



Registration Data Policy For gTLDs - EPDP Brief

ICANN71 Virtual Meeting

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Registration Data Policy For gTLDs - EPDP Brief



Agenda

- Background
- EPDP Phase 1
- EPDP Phase 2 – SSAD
- EPDP Phase 2 – Policy Implications on End Users
- EPDP Phase 2A
- Questions?

Background



- ❑ European (and other) privacy legislation around for a while
- ❑ European General Data Protection Regulation (GDPR) was adopted by the European Council in 2016 and came into force on 25 May 2018
- ❑ Temporary Specification for gTLD adopted by the board and taking effect on 25 May 2018
- ❑ May 2018 ICANN community started developing a new consensus policy to replace the Temp. Spec. – EPDP for gTLD registration data – “Phase 1”
- ❑ July 2019 ICANN community started developing a new consensus policy for the access/disclosure of the data and to address unresolved issues from phase 1. – “Phase 2”
- ❑ November 2020 ICANN community started developing a new consensus policy – “Phase 2A” to address:
 - 1) the differentiation of legal vs. natural persons' registration data and
 - 2) the feasibility of unique contacts to have a uniform anonymized email address.

EPDP Phase 1

- ❑ **Started** July 2018 and **adopted** by GNSO Council March 2019

- ❑ ICANN community developed recommendations for a new consensus policy for gTLD registration data

- ❑ Board Resolution passed May 15 2019 adopting 27 of 29 recommendations the policies adopted address
 - Purposes for processing the data
 - Data elements for collection, transfer and retention
 - Data elements for public display
 - Data elements to be redacted
 - Update to reasonable requests for the lawful data disclosure
 - Continued course for an implementation bridge - adopting the Temp. Spec. as an interim policy

- Recommendations not adopted: ICANN purpose number 2 and Recommendation 12 with respect to the deletion of the data of the org field

EPDP Phase 1

Deferred Issues:

1. Display of information of affiliated vs accredited privacy/proxy providers
2. City field redaction
3. Data retention
4. ICANN purpose number two
5. Additional purpose for OCTO.
6. Accuracy and WHOIS Accuracy reporting System
7. The differentiation of legal vs. natural persons' registration data
8. The feasibility of unique contacts to have a uniform anonymized email address



EPDP Phase 2 – SSAD

- Phase 2 **Started** 4 March 2019 **concluded** July 2020
- Priority 1: SSAD
- Priority 2 items: Issues deferred from before

EPDP Phase 2 – SSAD

Priority 2 items

1. Display of information of affiliated vs accredited privacy/proxy providers
2. City field redaction
3. Data retention
4. ICANN purpose number two
5. Additional purpose for OCTO.
6. Accuracy and WHOIS Accuracy reporting System
7. The differentiation of legal vs. natural persons' registration data
8. The feasibility of unique contacts to have a uniform anonymized email address

EPDP Phase 2 – SSAD

Priority 2 items concluded

- Display of information of affiliated and or accredited privacy/proxy providers
- City field redaction - redaction MAY be applied- not MUST
- Data retention -18 months
- ICANN purpose “Contribute to the maintenance of the security, stability, and resiliency of the Domain Name System in accordance with ICANN's mission”
- Additional purpose for OCTO. – No Need for it
- Accuracy and WHOIS Accuracy reporting System – scoping team

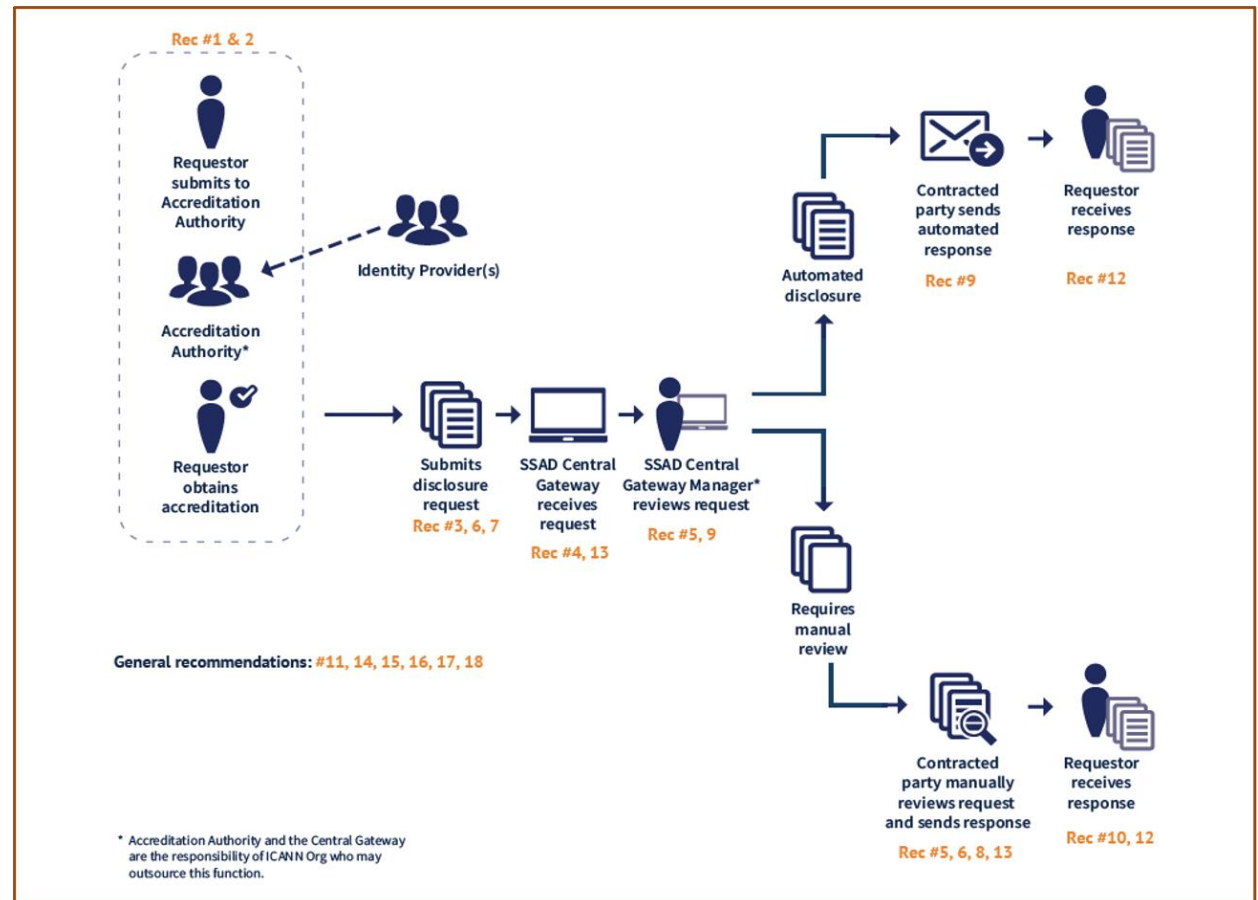
Priority 2 items remaining

- 1) the differentiation of legal vs. natural persons' registration data
- 2) the feasibility of unique contacts to have a uniform anonymized email address

EPDP Phase 2 – SSAD



SSAD
System for standardized access/disclosure



EPDP Phase 2 – Policy Implications on End Users

- The Proposed Policy does not change the status quo in relation to end users and consumers
- SLA requirement for an urgent disclosure request which is considered a priority one request is 1 business day and not to exceed 3 calendar days
urgent are requests in relation to incidents that: pose an imminent threat to life, serious bodily injury, critical infrastructure (online and offline) or child exploitation
- SLA requirement to requests in relation to phishing, malware or fraud are considered priority three requests and thus the response time is 3 business days
- Since there is no distinction between the data of natural and legal persons' data, users cannot independently verify the legitimacy of the websites providing services
- The system does not really support automation – manual reviews are expected.

EPDP Phase 2A

- ❑ **Started** November 2020 and is ongoing

- ❑ **Differentiation between the data of legal and natural persons data:**
 - Whether any updates are required to the EPDP Phase 1 recommendation on this topic (“Registrars and Registry Operators are permitted to differentiate between registrations of legal and natural persons, but are not obligated to do so”)

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

- ❑ **Feasibility of Unique Contacts to have a uniform anonymized email address:**

The option of replacing the email address provided by the data subject with an alternate email address that would in and of itself not identify the data subject.

EPDP Phase 2A

The initial Report of the Phase 2A EPDP recommends:

1. Adding a standardized data element to the RDDS. The new field provides the ability to differentiate between registrant types as well as registrants' data types (personal/non personal). The data field is to be used by CPs who wish to differentiate.
2. A guidance to registrars who wish to differentiate between the data of legal and natural registrants.
3. The GNSO monitors changes to relevant legislation and laws
4. CPs are not obligated to differentiate.
5. CPs who wish to publish a registrant or registration based email address should follow appropriate safeguards and the legal guidance that the EPDP team received.



EPDP Phase 2A Public Comment

- The public comment seeks to obtain input on the initial Report of the Phase 2A EPDP
- The Initial report public comment period commenced on 3 June 2021
- The Public Comment period closes on 19 July 2021



Thank you – Questions?

GDPR as a technology - policy implications
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