



# EPDP Phase 2A Public Comment

CPWG

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## Agenda

- Recommendations and Questions
- At-Large position
- Questions?

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## □ Recommendation 1

➤ No changes are recommended, at this stage, 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”).

➤ **Question for Community Input:**

Is there new information or inputs that the Phase 2A team has not considered in assessing whether to make changes to the recommendation that Registrars and Registry Operators may, but are not obligated to, differentiate between legal and natural persons?

## □ Recommendation 2

- The EPDP Team recommends that the GNSO Council monitors developments in relation to the adoption and implementation of relevant legislative changes (for example, NIS2), relevant decisions by pertinent tribunals and data protection authorities, as well as the possible adoption of the SSAD to determine if/when a reconsideration of this question (whether changes are required to the 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”) is warranted. The GNSO Council is expected to consider not only input on this question and any new information from GNSO SG/Cs but also ICANN SO/ACs to help inform a decision on if/when this question is expected to be reconsidered.

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- **Question for Community Input:** Is this recommendation necessary for the GNSO council in considering future policy work in this area? If yes, in what ways does this monitoring assist the Council?

## □ Recommendation 3

- The following additions are made to the EPDP Phase 1 recommendations: Recommendation #5 The following optional data element (optional for the Registrar to offer to the Registrant and collect) is added to the data elements table: [Please refer to the Data Elements Tables on pp. 5-6.]
- **Question for Community Input:** Should a standardized data element be available for a Contracted Party to use? If yes, why? If no, why not? Why is harmonization of practices beneficial or problematic?
- **Question for Community Input:** If yes, what field or fields should be used and what possible values should be included, if different from the ones identified above? Aspects of the recommendation that the EPDP Team is looking for specific input on having been marked above with an asterisk (\*), indicating the options that are under consideration.
- **Question for Community Input:** If such a standardized data element is available, MUST a Contracted Party who decides to differentiate use this standardized data element or should it remain optional for how a Contracted Party implements this differentiation?

## ❑ Recommendation 4

- The EPDP Team recommends that Contracted Parties who choose to differentiate based on person type SHOULD follow the guidance below and clearly document all data processing steps
- **Question for Community Input:** Does this guidance as written provide sufficient information and resources to Registrars and Registry Operators who wish to differentiate? If not, what is missing and why?
- **Question for Community Input:** Are there additional elements that should be included in the guidance?
- **Question for Community Input:** Are there legal and regulatory considerations not yet considered in this Initial Report, that may inform Registries and Registrars in deciding whether and how to differentiate, and if so, how?
- **Question for Community Input:** If a Registrar or Registry Operator decides to differentiate, should this guidance become a requirement that can be enforced if not followed (“MUST, if Contracted Party decides to differentiate”)?

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## □ Recommendation 5

- The EPDP Team recommends that Contracted Parties who choose to publish a registrant- or registration-based email address in the publicly accessible RDDS should ensure appropriate safeguards for the data subject in line with relevant guidance on anonymization techniques provided by their data protection authorities and the appended legal guidance in this recommendation (see Annex E).





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## Other Comments

Are there any other comments or issues you would like to raise pertaining to the EPDP Phase 2A Initial Report? If yes, please enter your comments here. If applicable, please specify the section or page number in the Initial Report to which your comments refer.



# Thank you – Questions?

CPWG