



# EPDP Phase 2A Deliberations

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# Agenda



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## 1. Topics and At-Large Interest

- Standardized Data Element
- Changes to phase 1 recommendation #17
- Council monitoring of future developments
- Guidance
- Holistic consideration
- Dealing with uncertainty
- Unique Contacts uniform anonymized email address

## 2. Questions?

# Standardized Data Element



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A standardized data element could facilitate and standardize how differentiation is done by CPs who choose to differentiate.

Is this in scope?

Should it be required if the CP chooses to differentiate?

## Questions discussed

- How such a standardized data element would bring significant benefits.
- If/how the creation of such a standardized data element creates operational difficulties for Contracted Parties.
- Suggestions to achieving the articulated benefits while addressing the operational considerations that have been raised.

# Changes to phase 1 recommendation #17



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Some have suggested that no due consideration has been given to possible changes to EPDP Phase

## **Question discussed**

- What possible changes to EPDP Phase 1 Rec 17 were overlooked or not fully explored during the last six months of the EPDP Phase 2A work?

# Council monitoring of future developments

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Some have indicated that this recommendation is not necessary, others have suggested that further work should wait until the outcome of certain developments is clear (e.g., NIS2).

## **Questions discussed**

Is there harm in reminding the Council of its responsibility to monitor and point to specific developments that may have an impact?

How would putting consideration of legal/natural differentiation on hold until legislation has been adopted and implemented benefit the deliberations?

Put yourself in the shoes of the Council, what would help you in determining at a future date whether or not further consideration of differentiation between legal/natural is necessary.

# Guidance



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Some have expressed concern about guidance not being sufficient to facilitate differentiation for CPs who choose to differentiate while others are concerned that guidance is too much as some authorities might be tempted to consider it more than just guidance.

## **Questions discussed**

What is lacking in the guidance that CPs would benefit from if they decide to differentiate?

How can CPs be supported if they decide to differentiate, absent the EPDP 2A team providing guidance?

# Holistic consideration

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Some have indicated that it is shortsighted to look at these two questions in isolation and instead should be considered in the broader context of access/disclosure of non-public registration data

## **Question discussed**

Recognizing that it is out of scope for this particular effort, how can consistency with other elements be ensured, or still-open questions addressed either now or through a future effort?

# Dealing with uncertainty



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Several have noted that there are still many moving elements, for example, legislation under development, lack of jurisprudence / enforcement action that could give guidance on approaches that are acceptable to DPAs

## **Question discussed**

How can possible recommendations be confirmed / reviewed / modified as further information becomes available? For example, is it worth sharing legal/natural differentiation guidance with the EDPB to solicit input? Should e.g., further data gathering start on how many CPs differentiate -- or otherwise take account of registration data-related issues -- and if/how guidance and/or standardized data element are used in practice?



# Unique Contacts uniform anonymized email address



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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

## **EPDP Team Question for Community Input #5**

Does this guidance as written provide sufficient information and resources to Registrars and Registry Operators who wish to publish a registrant- or registration-based email address? If not, what is missing and why?

Answers: Almost all stakeholder groups said NO

# Questions?



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Thank you