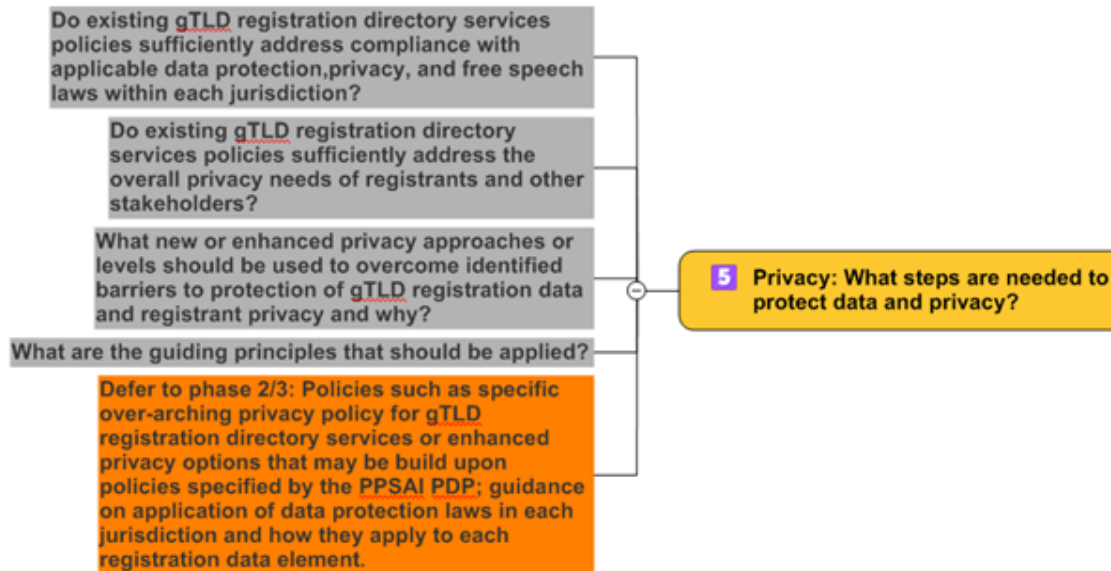**Q4.1: For "thin data" only -- Do existing gTLD RDS policies sufficiently address compliance with applicable data protection, privacy, and free speech laws about purpose? If not, what requirements might those laws place on RDS policies re: purposes associated with "thin data"?**

4. Charter Question: Privacy

Do existing gTLD registration directory services policies sufficiently address compliance with applicable data protection, privacy, and free speech laws within each jurisdiction?

Do existing gTLD registration directory services policies sufficiently address the overall privacy needs of registrants and other stakeholders?

What new or enhanced privacy approaches or levels should be used to overcome identified barriers to protection of gTLD registration data and registrant privacy and why?

What are the guiding principles that should be applied?

Defer to phase 2/3: Policies such as specific over-arching privacy policy for gTLD registration directory services or enhanced privacy options that may be build upon policies specified by the PPSAI PDP; guidance on application of data protection laws in each jurisdiction and how they apply to each registration data element.

5 Privacy: What steps are needed to protect data and privacy?

FOCUS OF INITIAL DELIBERATION "THIN DATA" & POTENTIAL PURPOSES FOR "THIN DATA" SUCH AS

- Domain Name Control
- Technical Issue Resolution
- Domain Name Certification
- Business DN Purchase or Sale
- Academic/Public Interest DNS Research
- Regulatory and Contractual Enforcement
- Criminal Investigation & DNS Abuse Mitigation
- Legal Actions
- Individual Internet Use

Note: Additional work on definitions will be needed to clarify purpose for collection vs. purpose for disclosure/use, as well as who/what is collecting registration data.

Sources:
KeyConceptsDeliberation-WorkingDraft-24January2017.pdf
GNSO PDP on Thick WHOIS Final Report page 10

See also related materials:
Intro Presentations by Kimpian and Perrin:
Kimpian_pdp_rds_2_2_17.pdf
Examples Presentation - Kimpian
Discussion Factors Slides - Perrin

PDP WG Links and Summaries to Privacy-Related Input Documents:
Article 29 WP 203 Opinion 3/2013 (see Annex 3 for examples)
https://community.icann.org/download/attachments/56986791/RDSPrivacy-InputsAndSummaries-24May2016.pdf

Example of Thin WHOIS record:
Domain Name: CNN.COM
Registrar: CSC CORPORATE DOMAINS, INC.
WHOIS Server: whois.corporatedomains.com
Referral URL: http://www.cscglobal.com
Name Server: NS1.TIMEWARNER.NET
Name Server: NS3.TIMEWARNER.NET
Name Server: NS5.TIMEWARNER.NET
Status: clientTransferProhibited
Updated Date: 04-feb-2010
Creation Date: 22-sep-1993
Expiration Date: 21-sep-20184

Q2.3: What should the over-arching purpose be of collecting, maintaining, and providing access to gTLD (thin) registration data?

3.2   Draft agreements   (Source: KeyConceptsDeliberation-WorkingDraft-24January2017.pdf)

The RDS PDP WG considered the EWG's high-level statement of purpose, using it as input to develop the following Draft Registration Data and Directory Service Statement of Purpose (v10):

This statement is intended to define the purpose(s) of a potential Registration Directory Service (RDS) for generic top-level domain (gTLD) names. The statement identifies Specific Purposes for registration data and registration directory services. To ensure that the purposes are understood in the appropriate context, a list of goals for each RDS purpose is also provided.

Note that it is important to make a distinction between the purpose(s) of individual registration data elements[1] versus the purpose(s) of a RDS, i.e., the system that may collect, maintain, and provide or deny access to some or all of those data elements [and services related to them, if any.]

Goals for each RDS Purpose

i.   *Consistency with ICANN's mission*
ii. *Consistency with other consensus policies that pertain to generic top-level domains (gTLDs)*
iii. *To provide a framework that enables compliance with applicable laws*
iv. *To help articulate a rationale for a potential RDS*
v.   *To communicate purpose(s) of the RDS to registrants (and others)*
vi. *To establish sufficient relationship between the purpose(s) and the use(s) of the RDS*

Specific Purposes for Registration Data and Registration Directory Services

1. *A purpose of gTLD registration data is to provide information about the lifecycle of a domain name.*
2. *A purpose of RDS is to provide an authoritative source of information about, for example, domain contacts[2], domain names and name servers for gTLDs, [based on approved policy].*
3. *A purpose of RDS is to identify domain contacts and facilitate communication with domain contacts associated with generic top-level domain names, [based on approved policy].*
4. *A purpose of gTLD registration data is to provide a record of domain name registrations.*
5. **A purpose of RDS [policy] is to promote the accuracy of gTLD registration data.**

---

[1] Here, "registration data elements" refers to data about generic top-level domain names collected in the relationship between registrars to registries and in the relationship between registrars/registries and ICANN.

[2] Contacts related to the domain name, including those directly related to the domain name and also those involved in the registration system as relevant. Further specification may occur at a later stage in the [RDS PDP] process.

ICANN's Mission (As amended 1 October 2016)

Section 1.1. MISSION

(a) The mission of the Internet Corporation for Assigned Names and Numbers ("ICANN") is to ==ensure the stable and secure operation of the Internet's unique identifier systems== as described in this Section 1.1(a) (the "Mission"). Specifically, ICANN:

   (i) Coordinates the allocation and assignment of names in the root zone of the Domain Name System ("DNS") and coordinates the development and implementation of policies concerning the registration of second-level domain names in generic top-level domains ("gTLDs"). In this role, ICANN's scope is to coordinate the development and implementation of policies:

   ==For which uniform or coordinated resolution is reasonably necessary to facilitate the openness, interoperability, resilience, security and/or stability of the DNS including, with respect to gTLD registrars and registries, policies in the areas described in Annex G-1 and Annex G-2==; and

   That are developed through a bottom-up consensus-based multistakeholder process and designed to ensure the stable and secure operation of the Internet's unique names systems.

   ==The issues, policies, procedures, and principles addressed in Annex G-1 and Annex G-2 with respect to gTLD registrars and registries shall be deemed to be within ICANN's Mission.==

ANNEX G-1

The topics, issues, policies, procedures and principles referenced in Section 1.1(a)(i) with respect to ==gTLD registrars== are:
- ==issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, security and/or stability of the Internet, registrar services, registry services, or the DNS;==
- functional and performance specifications for the provision of registrar services;
- registrar policies reasonably necessary to implement Consensus Policies relating to a gTLD registry;
- resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names, but including where such policies take into account use of the domain names); or
- restrictions on cross-ownership of registry operators and registrars or resellers and regulations and restrictions with respect to registrar and registry operations and the use of registry and registrar data in the event that a registry operator and a registrar or reseller are affiliated.

Examples of the above include, without limitation:
- principles for allocation of registered names in a TLD (e.g., first-come/first-served, timely renewal, holding period after expiration);
- prohibitions on warehousing of or speculation in domain names by registries or registrars;
- reservation of registered names in a TLD that may not be registered initially or that may not be renewed due to reasons reasonably

related to ==(i) avoidance of confusion among or misleading of users, (ii) intellectual property, or (iii) the technical management of the DNS or the Internet (e.g., establishment of reservations of names from registration);==
- ==maintenance of and access to accurate and up-to-date information concerning registered names and name servers;==
- procedures to avoid disruptions of domain name registrations due to suspension or termination of operations by a registry operator or a registrar, including procedures for allocation of responsibility among continuing registrars of the registered names sponsored in a TLD by a registrar losing accreditation; and
- the transfer of registration data upon a change in registrar sponsoring one or more registered names.

ANNEX G-2

The topics, issues, policies, procedures and principles referenced in Section 1.1(a)(i) with respect to ==gTLD registries== are:
- ==issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, security and/or stability of the Internet or DNS;==
- functional and performance specifications for the provision of registry services;
- security and stability of the registry database for a TLD;
- registry policies reasonably necessary to implement Consensus Policies relating to registry operations or registrars;
- resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names); or
- restrictions on cross-ownership of registry operators and registrars or registrar resellers and regulations and restrictions with respect to registry operations and the use of registry and registrar data in the event that a registry operator and a registrar or registrar reseller are affiliated.

Examples of the above include, without limitation:
- principles for allocation of registered names in a TLD (e.g., first-come/first-served, timely renewal, holding period after expiration);
- prohibitions on warehousing of or speculation in domain names by registries or registrars;
- reservation of registered names in the TLD that may not be registered initially or that may not be renewed due to reasons reasonably related to ==(i) avoidance of confusion among or misleading of users, (ii) intellectual property, or (iii) the technical management of the DNS or the Internet (e.g., establishment of reservations of names from registration);==
- ==maintenance of and access to accurate and up-to-date information concerning domain name registrations==; and
- procedures to avoid disruptions of domain name registrations due to suspension or termination of operations by a registry operator or a registrar, including procedures for allocation of responsibility for serving registered domain names in a TLD affected by such a suspension or termination.

2013 RAA: Sections pertaining to purpose of data collection and use

3.3.5 In providing query-based public access to registration data as required by Subsections 3.3.1 and 3.3.4, Registrar shall not impose terms and conditions on use of the data provided, except as permitted by any Specification or Policy established by ICANN. Unless and until ICANN establishes a different Consensus Policy, Registrar shall permit use of data it provides in response to queries for any lawful purposes except to: (a) allow, enable, or otherwise support the transmission by e-mail, telephone, postal mail, facsimile or other means of mass unsolicited, commercial advertising or solicitations to entities other than the data recipient's own existing customers; or (b) enable high volume, automated, electronic processes that send queries or data to the systems of any Registry Operator or ICANN-Accredited registrar, except as reasonably necessary to register domain names or modify existing registrations.

3.7.7.4 Registrar shall provide notice to each new or renewed Registered Name Holder stating:

   3.7.7.4.1 The purposes for which any Personal Data collected from the applicant are intended;

   3.7.7.4.2 The intended recipients or categories of recipients of the data (including the Registry Operator and others who will receive the data from Registry Operator);

   3.7.7.4.3 Which data are obligatory and which data, if any, are voluntary; and

   3.7.7.4.4 How the Registered Name Holder or data subject can access and, if necessary, rectify the data held about them.

3.7.7.5 The Registered Name Holder shall consent to the data processing referred to in Subsection 3.7.7.4.

3.7.7.6 The Registered Name Holder shall represent that notice has been provided equivalent to that described in Subsection 3.7.7.4 to any third-party individuals whose Personal Data are supplied to Registrar by the Registered Name Holder, and that the Registered Name Holder has obtained consent equivalent to that referred to in Subsection 3.7.7.5 of any such third-party individuals.

3.7.7.7 Registrar shall agree that it will not process the Personal Data collected from the Registered Name Holder in a way incompatible with the purposes and other limitations about which it has provided notice to the Registered Name Holder in accordance with Subsection 3.7.7.4 above.

3.7.7.8 Registrar shall agree that it will take reasonable precautions to protect Personal Data from loss, misuse, unauthorized access or disclosure, alteration, or destruction.

3.7.7.9 The Registered Name Holder shall represent that, to the best of the Registered Name Holder's knowledge and belief, neither the registration of the Registered Name nor the manner in which it is directly or indirectly used infringes the legal rights of any third party.

3.7.7.10 For the adjudication of disputes concerning or arising from use of the Registered Name, the Registered Name Holder shall submit, without prejudice to other potentially applicable jurisdictions, to the jurisdiction of the courts (1) of the Registered Name Holder's domicile and (2) where Registrar is located.

2014 Registry Agreement: Section pertaining to purpose of data collection and use

2.18   Personal Data. Registry Operator shall (i) notify each ICANN-accredited registrar that is a party to the registry-registrar agreement for the TLD of the purposes for which data about any identified or identifiable natural person ("Personal Data") submitted to Registry Operator by such registrar is collected and used under this Agreement or otherwise and the intended recipients (or categories of recipients) of such Personal Data, and (ii) require such registrar to obtain the consent of each registrant in the TLD for such collection and use of Personal Data. Registry Operator shall take reasonable steps to protect Personal Data collected from such registrar from loss, misuse, unauthorized disclosure, alteration or destruction. Registry Operator shall not use or authorize the use of Personal Data in a way that is incompatible with the notice provided to registrars.

Example of a ccTLD Registry policy statement related to the purpose of WHOIS*

.eu -- Excerpted from https://eurid.eu/en/other-infomation/whois-policy/

Section 2. WHOIS Look-Up Facility

2.1. Introduction

The Public Policy Rules require the Registry to provide a WHOIS look-up facility where, by typing in a .eu Domain Name in one of the available scripts, information about the administrative and the technical contact administering the Domain Name can be found.

When a Domain Name is registered the information relating to that registration sits in a WHOIS database in compliance with the rules set out below. The information collected includes Registrant contact information, the Registrar involved and details of the name servers to which the Registry delegates authority for the Domain Name and is further set out in Section 2.4. hereof.

By going to the Website of the Registry and typing in the Domain Name in the WHOIS look-up facility, information about that name and the Registrant can be accessed in accordance with the rules set out below.

When registering a Domain Name, the Registrant is required to accept the Registry's Terms and Conditions which authorises the Registry to make some personal data accessible on its web site, along with some other technical data, in order to guarantee the transparency of the domain name system towards the public.

2.2. Purpose

The purpose of the WHOIS database, as set forth in the first paragraph of Article 16 of Commission Regulation (EC) No 874/2004 of 28 April 2004 is to provide reasonably accurate and up to date information about the technical and administrative points of contact administering the domain names.

If the Registry is holding false, incorrect or outdated information, the Registrant will not be contactable and may lose the name. By deliberately submitting inaccurate information, the Registrant would also be in breach of the Terms and Conditions which could also lead to loss of the Domain Name.

* Note: Example given here for illustration only; no assumption is made regarding compliance with applicable laws