

Privacy and Proxy Service Provider Accreditation Program IRT

LEA Framework, Data Retention, Data Accuracy, PPAA
Term

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IRT Meeting
8 August



Agenda

- ⦿ PPAA Issues 18-19: LEA Framework
- ⦿ PPAA Issues 4, 23: Data Retention
- ⦿ PPAA Issue 12: Accreditation Agreement Term
- ⦿ PPAA Issue 15: Customer Data Accuracy Specification

PPAA Issue 18: LEA Framework

- ⦿ Draft LEA framework last reviewed by IRT 11 July
- ⦿ Version, as distributed following 11 July discussion, incorporated into draft PPAA v1
- ⦿ Edits made when incorporating into draft PPAA to conform with rest of agreement.
 - Term “requester” was updated to “LEA Requester” as “Requester” is used in more generic sense in PPAA (Section 1.35)
 - Definitions for “Provider” and “Customer” removed, as these terms are already defined in PPAA Section 1
- ⦿ **IRT review/feedback is requested on these edits.**

PPAA Issue 19: LEA Framework

- ⦿ Edit has been suggested by PSWG.
- ⦿ Section 3.2.1 currently states: *Within two business days (in Provider’s jurisdiction) of the disclosure request been submitted, Provider will review the request, and confirm it has been received and contains the relevant information required to meet the minimum standard for acceptance. If the request does not meet the minimum standard, Provider will notify the LEA Requestor.*
- ⦿ **Background:** This provision was edited, based on IRT discussions, from initial PSWG proposal, which stated that *“Within 24 hours of the disclosure request...”* This edit was made because IRT members felt 24 hours was not enough time to evaluate whether the request meets the minimum standard for acceptance.

PPAA Issue 19: LEA Framework

- ⦿ Proposed edit from PSWG (in redline):

Within ~~two business days (in Provider's jurisdiction)~~ 24 hours of the disclosure request being submitted, the Provider will review the request to ensure it contains the relevant information required to meet the minimum standard for acceptance. ~~and confirm it has been received and contains the relevant information required to meet the minimum standard for acceptance.~~ If the request does not meet the minimum standard, Provider will notify the LEA Requestor.

PPAA Issue 23: Data Retention (Generally)

- ⦿ The Final Report did not specifically mention data retention.
- ⦿ Topic discussed on 24 January and 28 February IRT calls.
- ⦿ IRT confirmed that data retention requirements were intended to be included for Providers.
- ⦿ IRT also indicated that where a Provider is Affiliated with a registrar, the Provider should be able to fulfill its obligations through the registrar's retention of the identical information.

PPAA Issue 23: Data Retention (Generally)

- ⦿ Based on IRT feedback received to date, draft v1 PPAA Section 3.2 and Specification 6 were drafted to mirror RAA requirements.
- ⦿ There are important differences from RAA:
 - Requirements for retention of underlying Customer data (similar to proposed data escrow requirements). These requirements were drafted based on the RAA retention requirements, with “registrant” being replaced with “Customer” in describing data to be retained; and
 - Proposed reduction of retention period from 2 years (RAA) to 1 year (PPAA)—to be discussed later on this call
- ⦿ IRT feedback is requested on all aspects of Section 3.2 and Specification 6

PPAA Issue 23: Data Retention (PPAA 3.2)

- ⦿ Draft Section 3.2 requires retention of:
 - Data specified in the data retention specification;
 - Submission date and time and content of all registration data submitted to registrars;
 - All written communications constituting registration applications, confirmations, modifications or terminations and related correspondence;
 - Records of the accounts of all the Provider's customers.

PPAA Issue 23: Data Retention (Specification)

- Draft Specification 6 requires retention of:
 - Customer name;
 - Customer administrative, technical, billing contact
 - Customer's postal address (+ admin/tech/billing)
 - Customer's email address (+ admin/tech/billing)
 - Customer's telephone number (+admin/tech/billing)
 - WHOIS information included in Labeling Specification
 - Customer's fax number (+admin/tech/billing)
 - To extent collected, recurring payment data
 - Name and Registry Object ID of Registered Name
 - Name and IANA ID of sponsoring registrar

- These must be retained for the time service is provided plus one year.

PPAA Issue 23: Data Retention (Specification)

- ⦿ Draft Specification 6 also requires retention of:
 - Means and source of payment
 - Log files, billing records, other records of communications source and destination info
 - Log files and other records associated with the services containing dates, times, time zones
- ⦿ These must be retained for 180 days following the relevant interaction.
- ⦿ All data retention requirements are subject to the waiver request processes.
- ⦿ **Discussion Question:** Are any edits needed to the list of data points to be retained?

PPAA Issue 4: Data Retention Period

- ⦿ The RAA requires, generally, that data be retained for the duration of the registrar's sponsorship of the registration and for a period of two additional years thereafter.
- ⦿ In an effort to reduce the need for waiver requests under global data protection legislation, PPAA draft v1 proposes to reduce this period to one year (See Section 3.2 of the PPAA and the data retention specification, Specification 6).
- ⦿ **Discussion Question: ICANN requests the IRT's feedback on whether this change is advisable.**
- ⦿ The Final Report does not specifically address time periods for data retention.

PPAA Issue 12: Accreditation Agreement Term

- ⦿ The RAA has a five-year term.
- ⦿ The draft PPAA, modeled on RAA, also has a five-year term.
- ⦿ **Discussion Question:** Any IRT feedback on the proposed five-year term?

PPAA Issue 15: Customer Data Accuracy Spec

- ⦿ **Final Report:** P/P customer data is to be validated and verified in a manner consistent with the requirements outlined in the WHOIS Accuracy Program Specification of the 2013 RAA (as may be updated from time to time).
- ⦿ **Final Report:** In the cases where a P/P service provider is Affiliated with a registrar and that Affiliated registrar has carried out validation and verification of the P/P customer data, reverification by the P/P service provider of the same, identical, information should not be required.” (p. 9)

PPAA Issue 15: Customer Data Accuracy Spec

- ⦿ **PPAA Draft:** Customer Data Accuracy Specification (Spec 2) is modeled on RAA WHOIS Accuracy Program Specification (all references to “Registrar” changed to “Provider;” Specification is otherwise the same as RAA)
- ⦿ **IRT Discussion Question:** Upon your review of the draft specification, do you believe any edits are needed?
- ⦿ **Note:** RAA WAPS included a mandatory review one-year after the RAA was first executed. Should this be kept for PPAA?
 - Sync’ing of RAA to PPAA requirements (and impact of any future RAA updates on comparable PPAA requirements) to be discussed separately on 15 August IRT call

IRT Action Items/Upcoming Meetings

- ⦿ IRT requested to provide any additional input on these topics by **14 August**.
- ⦿ **Please continue reviewing PPAA draft.** Send recommendations for additional topics that you would like to discuss to the list.
- ⦿ **Next Week's Topics:** Definitions, PPAA amendments/negotiation process, synchronization with the RAA
- ⦿ **22 Aug: Proposed Topics:** IP framework, ICANN reporting requirements, PPAA “business dealings” section
- ⦿ **29 August:** Data escrow, RDDS labeling

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