

Recommendation: The GNSO should initiate a new Policy Development Process to create a consistent privacy baseline across all registries, including to explicitly cover cases of privacy ~~infringements, such as sharing or selling personal data without a lawful basis, such as the consent of that person.~~ The GNSO PDP should consider limiting the collection and processing of personal data within rules which are mandatory for all gTLD registries. It should also consider not allowing registries to share personal data with third parties without a lawful basis, such as the consent of that person, or under circumstances defined by applicable law. Also, it is necessary to be aware of emerging, applicable regulations related to the processing of the personal data. For clarification, this recommendation does not relate to issues involving WHOIS or registration directory services data.

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Rationale/related findings: As mentioned above, the policies of the top 30 new gTLDs have rules regarding sharing of personal data of its registrants with third parties. Furthermore, some of those policies have very clear statements that registries have the right to share or sell personal data.

To: Generic Names Supporting Organization

Prerequisite or Priority Level: Medium

Consensus within team: Yes

Details: Despite the fact that the base Registry Agreement has references to privacy laws and policies, some of the registries are explicit that they have right to share personal data with third parties without consent of that person or under circumstances defined by applicable law.

Success Measures: The development of relevant policy and update of the base Registry Agreement.