

During our [24 January 2018 meeting](#), the RDS PDP WG considered criteria for determining whether proposed purposes are legitimate for [processing](#) registration data, and then applied those criteria to determine whether any of the purposes defined by WG drafting teams thus far are NOT legitimate for [processing](#) registration data.

This poll gives all WG members an opportunity to consider and express their views about two proposed WG agreements that surfaced during this call. Poll results will be used to inform deliberation during future WG meetings and on-list.

Any WG member who did not attend the 24 January 2018 WG meeting is expected to catch up on WG discussion [before taking this poll](#). Meeting notes and materials, including transcripts and recordings, can be found here: <https://community.icann.org/x/RgByB>

This poll will close at COB Saturday 27 January 2018.

As [previously announced](#), by submitting a response to this poll, you are granting permission for your entire response - including WG member name and response timestamp - to be included in published poll results. Responses submitted by WG members are not assumed to reflect the views of any organization with which they may be affiliated.

*** 1. 1. Your name (must be RDS PDP WG Member - not WG Observer - to participate in polls)**

If you are a WG Observer and wish to participate in polls, you must upgrade to WG Member to do so.

Please do NOT participate in this poll if you are a WG Observer who has not upgraded to WG Member.

2. Criteria:

As the WG has deliberated on specific purposes, differing viewpoints have been caused in part by differing criteria used to determine legitimacy. To overcome this, the WG paused its deliberation on specific purposes to consider a broader question: *What makes a purpose legitimate for processing registration data?*

To answer this, those on the 24 January call agreed to assume the GDPR definition for "processing" as follows:

'processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

After discussing a list of proposed criteria, there was support and no disagreement among WG members on the call for the following possible WG agreement:

Criteria to be used to determine whether any proposed purpose is legitimate for processing registration data are:

- a) In support of ICANN's mission;*
- b) A legitimate interest pursued by the data controller;*
- c) Necessary for the fulfillment of a contract;*
- d) Inherent to functionality of the DNS;*
- e) In the public interest; or*
- f) Necessary for compliance with a legal obligation.*

- "Processing" includes but is not limited to data collection. Do not assume that all criteria for processing will be sufficient for collection; this will be deliberated separately.
- Similarly, do not assume that "processing" implies public or non-public access to data or who will have access; this will be deliberated separately.
- See Question 3 below for an example of how agreed-upon criteria will be used by the WG when deliberating on specific purposes.

Please indicate below which statement below best reflects your level of agreement. Simply skip this question if you wish to abstain.

- a) Agree that ALL of the criteria listed above can be used to determine whether any proposed purpose is legitimate for processing registration data.
- b) Agree that ALL of the criteria listed above can be used to determine whether any proposed purpose is legitimate for processing registration data, but wish to suggest ADDITIONAL criteria (please explain in the comment box below).
- c) Agree that SOME but not all of the criteria listed above can be used to determine whether any proposed purpose is legitimate for processing registration data (please explain in the comment box below).
- d) Other (please explain in the comment box below).

Please provide your rationale for disagreeing with the possible WG agreement or proposed alternative:

3. Legitimate Purposes for Processing Registration Data:

Given the criteria listed in Question 2 above, the WG next considered the entire list of purposes defined by drafting teams, asking the question: *Which purposes (if any) do NOT satisfy any (i.e., at least one) of these criteria for processing registration data?*

After discussion, there was support and no disagreement among WG members on the call for the following possible WG agreement:

The following purposes for processing registration data satisfy at least one of these criteria (where "these criteria" refers to those listed in Question 2, and "processing" assumes the GDPR definition):

- Technical Issue Resolution;
- Academic or Public Interest Research;
- Domain Name Management;
- Individual Internet Use;
- Domain Name Certification;
- Domain Name Purchase/Sale;
- ICANN Contractual Enforcement;
- Regulatory Enforcement;
- Legal Actions;
- Criminal Activity/DNS Abuse Investigation;
- Criminal Activity/DNS Abuse Notification; or
- Criminal Activity/DNS Abuse Reputation

- See Question 2 above for the list of criteria and definition of "processing."
- "Processing" includes but is not limited to data collection. Do not assume that all criteria for processing will be sufficient for collection; this will be deliberated separately.
- Similarly, do not assume that "processing" implies public or non-public access to data or who will have access; this will be deliberated separately.

Please indicate below which statement below best reflects your level of agreement. Simply skip this question if you wish to abstain.

- a) Agree that ALL of the purposes listed above are legitimate for processing registration data because they satisfy at least one criteria.
- b) Agree that SOME but not all of the purposes listed above are legitimate for processing registration data because they satisfy at least one criteria (please identify any purpose(s) that do NOT satisfy at least one criteria in the comment box below).
- c) Other (please explain in the comment box below).

Please provide your rationale for disagreeing with the possible WG agreement or proposed alternative:

Please click the Submit button below to record your responses.

By submitting a response to this poll, you are granting permission for your entire response - including WG member name and response timestamp - to be included in published poll results.

Input gathered through this poll will be used as input to further WG deliberation on charter questions. Thank you for participating in this poll.

