

Q1 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.

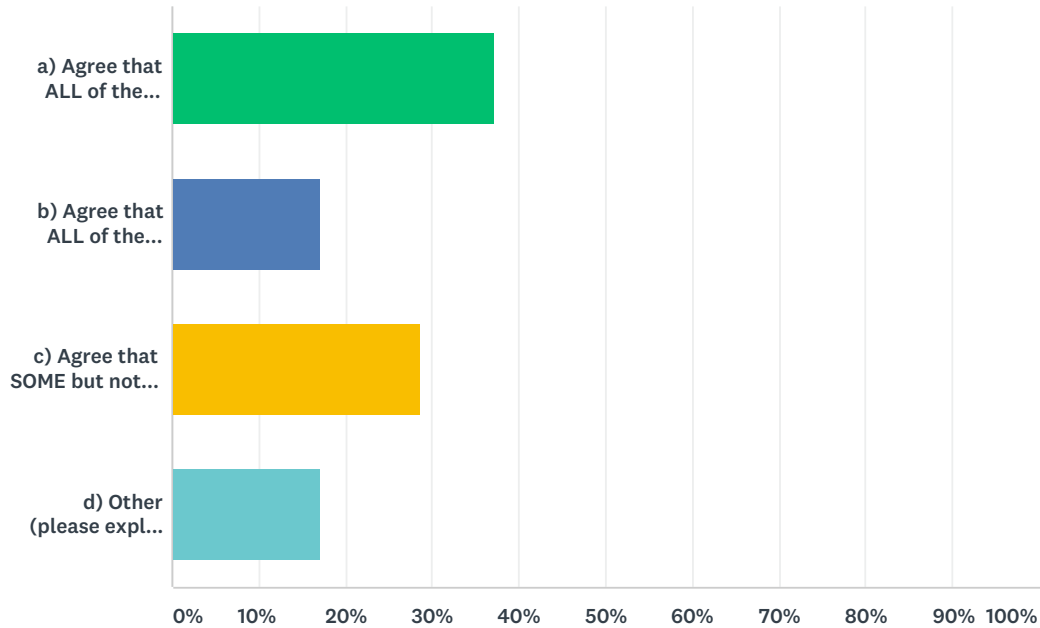
Answered: 35 Skipped: 0

#	RESPONSES	DATE
1	Tim obrien	1/27/2018 10:46 PM
2	Stephanie Perrin	1/27/2018 9:09 PM
3	Holly Raiche	1/27/2018 8:26 PM
4	Kathy Kleiman	1/27/2018 7:15 PM
5	Greg Shatan	1/27/2018 6:10 PM
6	Alex Deacon	1/27/2018 3:44 PM
7	Nathalie Coupet	1/27/2018 1:53 PM
8	Mason Cole	1/27/2018 1:45 PM
9	Tomslin Samme-Nlar	1/27/2018 1:18 PM
10	Tatiana Tropina	1/27/2018 11:42 AM
11	Maxim Alzoba	1/27/2018 9:58 AM
12	Steve Metalitz	1/27/2018 8:39 AM
13	Juan Manuel Rojas	1/27/2018 7:21 AM
14	Vicky Sheckler	1/27/2018 6:04 AM
15	Farell FOLLY	1/27/2018 3:01 AM
16	Rob Golding	1/26/2018 6:47 PM
17	Farzaneh Badii	1/26/2018 6:29 PM
18	Rod Rasmussen	1/26/2018 3:15 PM
19	Susan Kawaguchi	1/26/2018 10:59 AM
20	Sam Lanfranco	1/26/2018 9:18 AM
21	Peter Kimpian	1/26/2018 9:17 AM
22	Brian Gosch	1/26/2018 8:51 AM
23	Benny Samuelsen	1/26/2018 7:44 AM
24	Paul Keating	1/26/2018 7:15 AM
25	Michael Hammer	1/26/2018 7:14 AM
26	John Bambenek	1/25/2018 12:57 PM
27	Krishna Seeburn (Kris)	1/25/2018 9:04 AM
28	Alan Woods	1/25/2018 7:36 AM
29	Carlton Samuels	1/24/2018 3:24 PM
30	Jeremy Malcolm	1/24/2018 12:45 PM

31	Chuck Gomes	1/24/2018 10:22 AM
32	Craig Urness	1/24/2018 9:50 AM
33	Volker Greimann	1/24/2018 9:30 AM
34	Greg Aaron	1/24/2018 9:28 AM
35	René J. Steiner	1/24/2018 8:28 AM

Q2 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.

Answered: 35 Skipped: 0



ANSWER CHOICES	RESPONSES	
a) Agree that ALL of the criteria listed above can be used to determine whether any proposed purpose is legitimate for processing registration data.	37.14%	13
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).	17.14%	6
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).	28.57%	10
d) Other (please explain in the comment box below).	17.14%	6
TOTAL		35

#	PLEASE PROVIDE YOUR RATIONALE FOR DISAGREEING WITH THE POSSIBLE WG AGREEMENT OR PROPOSED ALTERNATIVE:	DATE
1	a) is good. b) would have to fit a) and would have to be done by the data controller, either ICANN or the registrar. Data escrow would be a good example of such an interest. c) applies where the data subject is a party to the contract. d) is a subset of a), since ensuring the functionality is core to ICANN's mission. e) is much too vague a criterion, and would require significant definition; ICANN has left it undefined. f) is fine, and assumes that appropriate processes are followed.	1/27/2018 9:09 PM
2	I have difficulty with 'a legitimate interest pursued by the data controller' as a data controller can pursue many legitimate activities that do not relate to the information being collected. I also have real difficulty with 'in the public interest' which is far too broad a term to provide any real guidance on whether the personal information collected is necessary for one or more of the functions of the data controller.	1/27/2018 8:26 PM

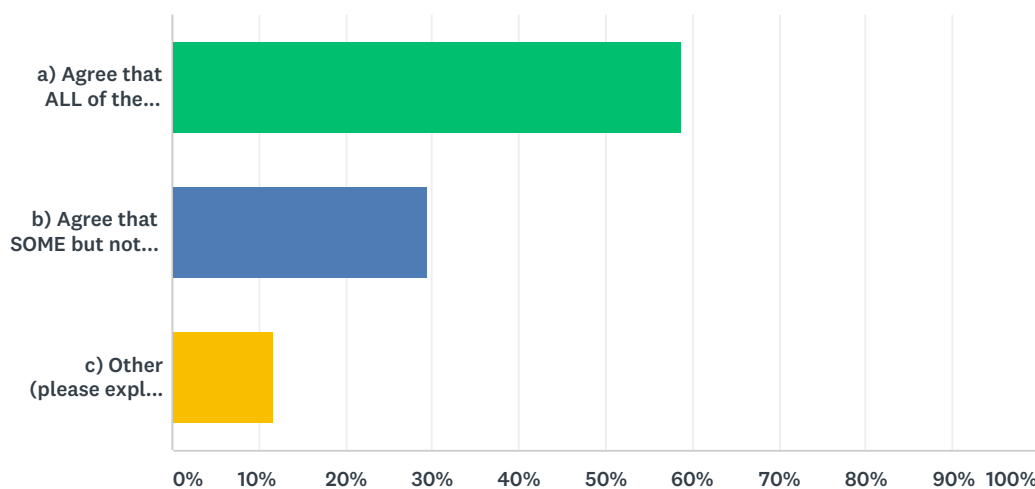
3	<p>Only a and d are valid, and they should be connected by an AND not OR. That means that a legitimate purpose for processing a registrant's domain name registration data would be: a) In support of ICANN's mission AND d) Inherent (better "necessary") to functionality of the DNS. While b) A legitimate interest pursued by the data controller is interesting and valuable, it is a legal basis for data processing, and not a purpose or criteria for it. What does not fit in this list is c, e and f for the reasons set out below. The third option does not fit because "c) Necessary for the fulfillment of a contract" is not a criteria for a proposed purpose of data processing. Even the EU-US Privacy Shield materials warn numerous times that all contracts should be reviewed to assure compliance with the GDPR and Privacy Shield -- and not vice versa. No contractual provisions can trump the law, and many contracts are now being revised accordingly. What also does not fit is "e) In the public interest." ICANN has never defined public interest and is unlikely to do so anytime soon. But in the meantime, the Hamilton Memo #2 told us that "ICANN may not rely on this legal ground for processing WHOIS data." See page 14, Section 2.24.1. Finally, "f) necessary for compliance with a legal obligation," is unnecessary as it applies to government obligations, e.g., responding to court orders (see "exceptions" below) and not allowed if it applies to legal obligations entered into voluntarily (see "c) necessary for fulfillment of a contract) above. No private compliance provisions can trump the law.</p>	1/27/2018 7:15 PM
4	<p>This list has to be non-exhaustive, since it is incomplete. I can't answer (b) because I don't merely "wish to suggest" additional criteria; rather I strongly believe the list is incomplete and fundamentally flawed, and that it would be a grave error to consider this the exhaustive list. For example, criterion (b) tracks the language of the GDPR, but then it stops short where the GDPR continues by recognizing the legitimate interests of third parties. Why are we even considering a criterion that is narrower than the GDPR? This ties into another key concept we continually overlook as a group: the purpose of WHOIS is third party use. WHOIS, in turn, plays a series of critical roles in the Internet ecosystem; it is an essential part of the design.</p>	1/27/2018 6:10 PM
5	<p>This the list of criteria is not exhaustive and should allow for processing for legitimate purposes specified by the GDPR not only for the controller but for legitimate interests pursued by a third party.</p>	1/27/2018 3:44 PM
6	<p>Data subject's consent should temper which criteria are legitimate. These should be construed in the spirit of the GDPR which is to limit data or</p>	1/27/2018 1:53 PM
7	<p>This list should be noted as non-exhaustive and should include the interests of relevant third parties.</p>	1/27/2018 1:45 PM
8	<p>The only feasible and valid options are options (a) and (d), and they should be linked by AND, not "OR". Meaning that the answer to the question is: the legitimate purpose for processing a registrant's domain name registration data should be: a) In support of ICANN's mission AND d) Inherent (better "necessary") to functionality of the DNS. As to other answers: The option (b) A legitimate interest pursued by the data controller could be valuable. However, it is a legal basis for data processing, and not a purpose or criteria for it. Options (c), (e) and (f) couldn't be acceptable for the following reasons. Option "(c) Necessary for the fulfillment of a contract" is not a criteria for a proposed purpose of data processing. Even the EU-US Privacy Shield materials warn numerous times that all contracts should be reviewed to assure compliance with the GDPR and Privacy Shield -- and not vice versa. No contractual provisions can overrule the law or contradict to it, and many contracts are now being revised accordingly. Option (e) - "In the public interest" - couldn't be feasible either because ICANN has never defined public interest and it doesn't seem to come up with any definition anytime soon. But in the meantime, the Hamilton Memo #2 told us that "ICANN may not rely on this legal ground for processing WHOIS data." See page 14, Section 2.24.1. Lastly, the option "(f) necessary for compliance with a legal obligation," is unnecessary as it applies to government obligations, e.g., responding to court orders (see "exceptions" below) and not allowed if it applies to legal obligations entered into voluntarily (see "c) necessary for fulfillment of a contract) above. No private compliance provisions can trump the law.</p>	1/27/2018 11:42 AM
9	<p>I think the resulting criteria list allows to create quite wide readings of the reasons and not all combinations of criteria v.s. process would work.</p>	1/27/2018 9:58 AM

10	Still unclear on the provenance of this list. It does not strike me as valid as an exhaustive list. In particular, criterion (b) is questionable. First, it is circular: a purpose is legitimate if the data controller's interest is legitimate. Are the same criteria to be used to judge legitimacy in each case? Second, to the extent that item (b) (as well as others, e.g., items (c), (e) and (f)) are intended to parallel the bases for "lawfulness" of processing under GDPR Art. 6.1, it is incomplete because it references only the legitimate interests pursued by the controller. The corresponding provision of GDPR, Art. 6.1.f, also refers to "legitimate interests pursued by a third party." I don't know of a reason why third party interests should be excluded from consideration in an exhaustive list of criteria for assessing the legitimacy of purposes for processing registration data.	1/27/2018 8:39 AM
11	Only a and d are valid, and they should be connected by an AND not OR. That means that a legitimate purpose for processing a registrant's domain name registration data would be: a) In support of ICANN's mission AND d) Inherent (better "necessary") to functionality of the DNS. While b) A legitimate interest pursued by the data controller is interesting and valuable, it is a legal basis for data processing, and not a purpose or criteria for it. What does not fit in this list is c, e and f for the reasons set out below. The third option does not fit because "c) Necessary for the fulfillment of a contract" is not a criteria for a proposed purpose of data processing. Even the EU-US Privacy Shield materials warn numerous times that all contracts should be reviewed to assure compliance with the GDPR and Privacy Shield -- and not vice versa. No contractual provisions can trump the law, and many contracts are now being revised accordingly. What also does not fit is "e) In the public interest." ICANN has never defined public interest and is unlikely to do so anytime soon. But in the meantime, the Hamilton Memo #2 told us that "ICANN may not rely on this legal ground for processing WHOIS data." See page 14, Section 2.24.1. Finally, "f) necessary for compliance with a legal obligation," is unnecessary as it applies to government obligations. No private compliance provisions can trump the law.	1/27/2018 7:21 AM
12	This is insufficient. For example, under GDPR, a legal basis for processing data includes "necessary for the purposes of the legitimate interests pursued by the controller or by a 3rd party. This list excludes the latter. I also think the "inherent to the functionality of the DNS" is too narrow. See e.g., statement submitted by Europol advisory group to ICANN	1/27/2018 6:04 AM
13	Only a and d are valid, and they should be connected by an AND not OR. That means that a legitimate purpose for processing a registrant's domain name registration data would be: a) In support of ICANN's mission AND d) Inherent (better "necessary") to functionality of the DNS. While b) A legitimate interest pursued by the data controller is interesting and valuable, it is a legal basis for data processing, and not a purpose or criteria for it. What does not fit in this list is c, e and f for the reasons set out below. The third option does not fit because "c) Necessary for the fulfillment of a contract" is not a criteria for a proposed purpose of data processing. Even the EU-US Privacy Shield materials warn numerous times that all contracts should be reviewed to assure compliance with the GDPR and Privacy Shield -- and not vice versa. No contractual provisions can trump the law, and many contracts are now being revised accordingly. What also does not fit is "e) In the public interest." ICANN has never defined public interest and is unlikely to do so anytime soon. But in the meantime, the Hamilton Memo #2 told us that "ICANN may not rely on this legal ground for processing WHOIS data." See page 14, Section 2.24.1. Finally, "f) necessary for compliance with a legal obligation," is unnecessary as it applies to government obligations, e.g., responding to court orders (see "exceptions" below) and not allowed if it applies to legal obligations entered into voluntarily (see "c) necessary for fulfillment of a contract) above. No private compliance provisions can trump the law.	1/27/2018 3:01 AM
14	only C and F	1/26/2018 6:47 PM
15	Only a is valid and defined in ICANN bylaws. The rest are very vague and not defined.	1/26/2018 6:29 PM
16	I worry that "in the public interest" is an open ended criteria. Other than that I support a)	1/26/2018 9:18 AM

17	According to me, one has first to understand the difference between purpose of data processing and legal base for data processing. The poll mixes those two things up. The purpose of the data processing has to be in close connection with the controllers mandate and concrete operations and it shall also take into account its legal status as well and has to remain within the remit of applicable legislation. Therefore in my sense for ICANN, when it comes to the operations it seems that all operations mentioned in its mission statement have to be included. It has also to take into account its mandate (given to it by its bylaws) and its legal status which is currently the not-for profit private organisation established under Californian law (in which state privacy protection is to certain extent even higher than in the EU...). The purpose statement shouldn't be long, can remain general, but has to be exhaustive as to the possible operations undertaken by of the data controller. According to my assessment point b), c), e), f) are possible legal basis for the processing and not concrete operations to be defined under a purpose statement. Purpose is always a (rather) concrete operation, activity and not a general principle or definition.	1/26/2018 9:17 AM
18	These criteria are very open and can be abused the way they are formed for processing data without consent for the purpose which are a fundamental part of GDPR. Not sure how to word it but somehow we need a criteria stating it will not be a processing that will harm the data object in a negative way if it's not related to a criminal investigation by LEA or similar.	1/26/2018 7:44 AM
19	I am fine with the above but i would like to see footnotes or explanation somewhere that makes things clear else it could be interpreted differently with issues with GDPR etc.,	1/25/2018 9:04 AM
20	In support of ICANN's mission: no, this criterion is far too vague and could be used to justify anything. A legitimate interest pursued by the data controller: no, circular. Necessary for the fulfillment of a contract: no, too imprecise - a contract between what parties? Inherent to functionality of the DNS: yes. In the public interest: absolutely not, this criterion is far too vague and could be used to justify anything. Necessary for compliance with a legal obligation: yes.	1/24/2018 12:45 PM
21	A purpose is legitimate only if it is in compliance with one or more of exemptions listed in the Art 6 I GDPR.	1/24/2018 9:30 AM
22	The inclusion of B is a bit self-referential ... shouldn't a controller's legitimate purposes be covered under the other points? If we include B, should we also include: "a legitimate interest pursued by a data processor"?	1/24/2018 9:28 AM

Q3 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.

Answered: 34 Skipped: 1



a) Agree that ALL of the purposes listed above are legitimate for processing registration data because they satisfy at least one criteria.	58.82%	20
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).	29.41%	10
c) Other (please explain in the comment box below).	11.76%	4
TOTAL		34

#	PLEASE PROVIDE YOUR RATIONALE FOR DISAGREEING WITH THE POSSIBLE WG AGREEMENT OR PROPOSED ALTERNATIVE:	DATE
1	The way that we have framed this discussion, as I have said many times, makes me very uncomfortable. Discussing legitimate purposes for all different types of processing is leading us down a path where it will be difficult to narrow data collection to ICANN's core purpose. Academic research and law enforcement are not ICANN's core purposes. This is not a useful way to approach the issue of processing data.	1/27/2018 9:09 PM
2	I do not agree that either the 'academic or public interest research' criteria or the 'Individual Internet User' criteria are necessary for the processing - as defined above - of registration data	1/27/2018 8:26 PM
3	As we know, data can only be processed consistent with the "predefined and specific purposes" set out in an organization's clear purpose statement. Very few items on this list satisfy legitimate purposes for processing the data under the predefined and specific purposes that ICANN must adopt under the GDPR. Accordingly, the purposes for processing registrant's domain name registration data must be consistent with ICANN's role as a technical organization and our narrowly-defined mission of ensuring the stable and secure operation of the Internet's unique identifier systems. Thus, the "purposes for processing registration data" are limited and, from this list, would be: "Technical Issue Resolution," "Domain Name Management", "Domain Name Certification," and Domain Name Purchase/Sale. This does not mean that exceptions cannot be allowed. In the GDPR as well as every international and national legislation in the field, exceptions are foreseen where the rights to privacy and data protection can be limited. These exceptions are usually related to cases where personal data are processed for national security, defense, public safety, law enforcement and fundamental freedoms of others, notably freedom of expression. In these specific cases, and when these rules apply, the data controller can apply different rules to the processing of the data for those purposes. But these are the exceptions, and not the general rule, and not part of the clear purpose statement that ICANN must develop for its own specific data processing needs pursuant to its own bylaws, its specific and technical mission and concrete operations. Clearly, ICANN is not a law enforcement agency (criminal or civil). ICANN is not a regulator, and ICANN is not an organization of lawyers. ICANN is not a university. Accordingly, what must be **deleted from this list** is: Academic or Public Interest Research, Individual Internet Use, ICANN Contractual Enforcement; Regulatory Enforcement; Legal Actions; Criminal Activity with DNS Abuse Investigation, DNS Abuse Notification and DNS Abuse Reputation. These may fall under the exceptions in law listed above. But for ICANN's purpose to support ICANN's mission, the proposed purposes that are legitimate for processing a registrant's domain name registration data would be directly related to the maintenance and functioning of that domain name in the DNS.	1/27/2018 7:15 PM
4	While I agree that all the stated purposes are legitimate, it needs to be said that the list is non-exhaustive. As such, I can't mechanically agree that the list is correct.	1/27/2018 6:10 PM
5	As above its important to note that this list of purposes should not be considered exhaustive and any RDS policy should allow for future purposes that comply with the GDPRs.	1/27/2018 3:44 PM
6	In the context of the contract between registrars and the registrant, a legitimate purpose must be approved by the registrant or it defeats the purpose of the GDPR, which is to give the data subject more control over her PPI.	1/27/2018 1:53 PM
7	Again, this list should be considered non-exhaustive.	1/27/2018 1:45 PM

8	<p>Data can only be processed in accordance with the "predefined and specific purposes" set out in an organization's clear purpose statement. Only a few items on this list meet the criteria for legitimate purposes for processing the data under the predefined and specific purposes that ICANN must adopt under the GDPR. Accordingly, the purposes for processing registrant's domain name registration data must be consistent with ICANN's role as a technical organization and ICANN's narrowly-defined mission of ensuring the stable and secure operation of the Internet's unique identifier systems. Therefore, the "purposes for processing registration data" are limited and, from this list, would be: "Technical Issue Resolution," "Domain Name Management", "Domain Name Certification," and Domain Name Purchase/Sale. Apparently, there could be exceptions. In the GDPR as well as every international and national legislation in the field, exceptions are foreseen where the rights to privacy and data protection can be limited. These exceptions are usually related to cases where personal data are processed for national security, defence, public safety, law enforcement and fundamental freedoms of others, in particular, freedom of expression. In these specific cases, and when these rules apply, the data controller can apply different rules to the processing of the data for those purposes. But these are the exceptions, and not the general rule, and not part of the clear purpose statement that ICANN must develop for its own specific data processing needs pursuant to its own bylaws, its specific and technical mission and operations. Clearly, ICANN is not a law enforcement body (criminal or civil). ICANN is not a regulatory agency, and ICANN is not an organization of lawyers. ICANN is not a university. Accordingly, what must be deleted from this list is: Academic or Public Interest Research, Individual Internet Use, ICANN Contractual Enforcement; Regulatory Enforcement; Legal Actions; Criminal Activity with DNS Abuse Investigation, DNS Abuse Notification and DNS Abuse Reputation. These may fall under the exceptions in law listed above. But for ICANN's purpose to support ICANN's mission, the proposed purposes that are legitimate for processing a registrant's domain name registration data would be directly related to the maintenance and functioning of that domain name in the DNS.</p>	1/27/2018 11:42 AM
9	<p>Not all purposes combine with all criteria. I think something like a matrix should be used (of what combines with what).</p>	1/27/2018 9:58 AM
10	<p>First, my response to this question is subject to my response to the preceding question, i.e., at least one of the criteria is stated in a circular fashion, and the list of criteria should not be considered exhaustive. Second, while it is not stated that the list of purposes for processing registration data is intended to be exhaustive (and indeed in the past it has been stated that further purposes might be added later), I believe it is timely now to consider expanding this list, to include "aggregation of registration data, under appropriate terms and conditions, for use in achieving another legitimate purpose." Without such aggregation, and the ability to search an aggregated database of registration data, some of the other "legitimate purposes" cannot be effectively achieved, e.g., criminal activity/DNS Abuse investigation. However, the party seeking to process the data for the purpose of aggregation may be distinct from the party seeking to carry out the investigation (that is indeed the case today). Accordingly, we should include aggregation for the purpose of achieving another legitimate purpose as a separate legitimate purpose for processing. Otherwise, it may not be possible to aggregate, and thus very difficult if not impossible to carry out the other legitimate purposes.</p>	1/27/2018 8:39 AM

11	<p>As we know, data can only be processed consistent with the “predefined and specific purposes” set out in an organization's clear purpose statement. Very few items on this list satisfy legitimate purposes for processing the data under the predefined and specific purposes that ICANN must adopt under the GDPR. Accordingly, the purposes for processing registrant's domain name registration data must be consistent with ICANN's role as a technical organization and our narrowly-defined mission of ensuring the stable and secure operation of the Internet's unique identifier systems. Thus, the “purposes for processing registration data” are limited and, from this list, would be: “Technical Issue Resolution,” “Domain Name Management”, “Domain Name Certification,” and Domain Name Purchase/Sale. This does not mean that exceptions cannot be allowed. In the GDPR as well as every international and national legislation in the field, exceptions are foreseen where the rights to privacy and data protection can be limited. These exceptions are usually related to cases where personal data are processed for national security, defense, public safety, law enforcement and fundamental freedoms of others, notably freedom of expression. In these specific cases, and when these rules apply, the data controller can apply different rules to the processing of the data for those purposes. But these are the exceptions, and not the general rule, and not part of the clear purpose statement that ICANN must develop for its own specific data processing needs pursuant to its own bylaws, its specific and technical mission and concrete operations. Clearly, ICANN is not a regulator, and ICANN is not an organization of lawyers. ICANN is not a university. Accordingly, what must be **deleted from this list** is: Academic or Public Interest Research, Individual Internet Use, ICANN Contractual Enforcement; Regulatory Enforcement; Legal Actions; Criminal Activity with DNS Abuse Investigation, DNS Abuse Notification and DNS Abuse Reputation. These may fall under the exceptions in law listed above. But for ICANN's purpose to support ICANN's mission, the proposed purposes that are legitimate for processing a registrant's domain name registration data would be directly related to the maintenance and functioning of that domain name in the DNS.</p>	1/27/2018 7:21 AM
12	<p>As we know, data can only be processed consistent with the “predefined and specific purposes” set out in an organization's clear purpose statement. Very few items on this list satisfy legitimate purposes for processing the data under the predefined and specific purposes that ICANN must adopt under the GDPR. Accordingly, the purposes for processing registrant's domain name registration data must be consistent with ICANN's role as a technical organization and our narrowly-defined mission of ensuring the stable and secure operation of the Internet's unique identifier systems. Thus, the “purposes for processing registration data” are limited and, from this list, would be: “Technical Issue Resolution,” “Domain Name Management”, “Domain Name Certification,” and Domain Name Purchase/Sale. This does not mean that exceptions cannot be allowed. In the GDPR as well as every international and national legislation in the field, exceptions are foreseen where the rights to privacy and data protection can be limited. These exceptions are usually related to cases where personal data are processed for national security, defense, public safety, law enforcement and fundamental freedoms of others, notably freedom of expression. In these specific cases, and when these rules apply, the data controller can apply different rules to the processing of the data for those purposes. But these are the exceptions, and not the general rule, and not part of the clear purpose statement that ICANN must develop for its own specific data processing needs pursuant to its own bylaws, its specific and technical mission and concrete operations. Clearly, ICANN is not a law enforcement agency (criminal or civil). ICANN is not a regulator, and ICANN is not an organization of lawyers. ICANN is not a university. Accordingly, what must be **deleted from this list** is: Academic or Public Interest Research, Individual Internet Use, ICANN Contractual Enforcement; Regulatory Enforcement; Legal Actions; Criminal Activity with DNS Abuse Investigation, DNS Abuse Notification and DNS Abuse Reputation. These may fall under the exceptions in law listed above. But for ICANN's purpose to support ICANN's mission, the proposed purposes that are legitimate for processing a registrant's domain name registration data would be directly related to the maintenance and functioning of that domain name in the DNS.</p>	1/27/2018 3:01 AM
13	<p>Technical Issue Resolution; Individual Internet Use; ICANN Contractual Enforcement; Criminal Activity/DNS Abuse Investigation; Criminal Activity/DNS Abuse Notification; or Criminal Activity/DNS Abuse Reputation</p>	1/26/2018 6:47 PM
14	<p>I am not quite sure what this question is asking. It is very vague. It looks like in drafting this question they have refrained from saying some of what they have listed here are actual uses of WHOIS data. My answer considering my general opinion is that data should be processed for Technical Issue Resolution and whatever relates to facilitation of domain name management (sales, certification etc) Other listed issues look like WHOIS uses which data should not be processed for these uses.</p>	1/26/2018 6:29 PM
15	<p>Again, I mainly support a) but worry that "individual internet use" is an open ended purpose, made complicated by the later gated/non-gated access issue.</p>	1/26/2018 9:18 AM

16	Data processing has to be in direct relation with ICANN's missions, mandate and legal status. As of now ICANN is a technical, not-for profit private organization which has a narrowly-defined mission of ensuring the stable and secure operation of the Internet's unique identifier systems. Thus, the "purposes for processing registration data" are limited and, from this list, would be: "Technical Issue Resolution," "Domain Name Management", "Domain Name Certification", "Domain Name Purchase/Sale"; "ICANN Contractual Enforcement". Data processing for the purposes of LeA, regulators, research cannot fall under ICANN mission as there is no legal, contractual base for this. ICANN mission, if I am not mistaken always was the maintenance and functioning of the domain name in the DNS from a technical point of view and not from international policy, law enforcement, cyber security, etc. point of view. If all those purposes were included it would mean that ICANN sees a role for itself in those area. It will not exclude the access to data by third party if all requirements for this are met, but to include in the purpose statement would mean that ICANN sees a role for itself in those field.	1/26/2018 9:17 AM
17	I am from academia as well. The issue comes when when people need to look at the raw data. It makes things challenging. I would love we put some footnotes and a clear admission that GDPR laws and rules will be applied.	1/25/2018 9:04 AM
18	These purposes do NOT satisfy either of the above criteria (inherent to functionality of the DNS or necessary to fulfil a legal obligation): Academic or Public Interest Research; Individual Internet Use; Domain Name Certification; Domain Name Purchase/Sale; Criminal Activity/DNS Abuse Investigation; Criminal Activity/DNS Abuse Notification; Criminal Activity/DNS Abuse Reputation	1/24/2018 12:45 PM
