

RDS PDP WG Poll - 30 January

During our [30 January 2018 meeting](#), the RDS PDP WG considered criteria for determining whether proposed purposes are legitimate for [processing](#) registration data. This poll gives all WG members an opportunity to consider and express their views about two proposed WG agreements: one that surfaced during this call and one that followed from results for the 24 January poll Q3. Poll results will be used to inform deliberation during future WG meetings and on-list.

Any WG member who did not attend the 30 January 2018 WG meeting is expected to catch up on WG discussion [before taking this poll](#). This is important to better understand poll questions and avoid repeating discussions. Meeting notes and materials, including transcripts and recordings, can be found here: <https://community.icann.org/x/8qe8B>

This poll will close at COB Saturday 3 February 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. 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?*

When answering this question, refer to the following GDPR definition of "processing:"

'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;

In our 30 January call, the WG reviewed last week's poll results, revised the proposed criteria, and decided to poll on variants of the following possible WG agreement:

The WG will use the following non-exhaustive criteria to determine if any proposed purpose for processing registration data may be legitimate:

- (i) The purpose must not be inconsistent with ICANN's mission,*
- (ii) The purpose must be inherent to the functionality of the DNS, [AND/OR**]*
- (iii) the purpose must satisfy at least one legal basis for processing as defined by data protection laws.*

- "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 your level of support for each variant of the proposed WG agreement below by choosing a value from the pull-down menu: **Support**, **Could live with**, **Oppose**. If you wish to abstain or have no opinion, leave the pull-down blank.

Answer

a) The WG will use the following non-exhaustive criteria to determine if any proposed purpose for processing registration data may be legitimate: (i) The purpose must not be inconsistent with ICANN's mission, (ii) The purpose must be inherent to the functionality of the DNS, [AND/OR**] (iii) the purpose must satisfy at least one legal basis for processing as defined by data protection laws.

b) The WG will use the following non-exhaustive criteria to determine if any proposed purpose for processing registration data may be legitimate: (i) The purpose must not be inconsistent with ICANN's mission [AND/OR**] (ii) the purpose must satisfy at least one legal basis for processing as defined by data protection laws.

c) The WG will use the following non-exhaustive list of criteria to determine if any proposed purpose for processing registration data may be legitimate: (i) The purpose must be inherent to the functionality of the DNS [AND/OR**] (ii) the purpose must satisfy at least one legal basis for processing as defined by data protection laws.

d) Other (please explain in the comment box below).

In addition, please indicate below your preference - if any - for **[AND/OR**]** in the above agreement:

- AND** (i.e., a purpose may be considered legitimate if ALL of the criteria apply)
- OR** (i.e., a purpose may be considered legitimate if ANY of the criteria apply)
- AND/OR** (i.e., should be decided as WG applies criteria)

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

3. Legitimate Purposes for Processing Registration Data

Given the criteria listed in Question 2 above, please re-consider the following list of purposes defined by drafting teams and indicate your level of support for the following possible WG agreement:

The WG will treat the following non-exhaustive list of purposes for processing registration data as possibly legitimate, and will work to further flesh out data and user needs associated with these purposes:

- *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; and*
- *Criminal Activity/DNS Abuse Reputation*

- See Question 2 above for 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 your level of support for including in this agreement each purpose for processing registration data: **Support**, **Could live with**, **Oppose**. If you wish to abstain, simply skip this entire question or any specific purpose.

	Answer
a) Technical Issue Resolution	<input type="text"/>
b) Academic or Public Interest Research	<input type="text"/>
c) Domain Name Management	<input type="text"/>

Answer

d) Individual Internet Use

e) Domain Name Certification

f) Domain Name Purchase/Sale

g) ICANN Contractual Enforcement

h) Regulatory Enforcement

i) Legal Actions

j) Criminal Activity/DNS Abuse Investigation

k) Criminal Activity/DNS Abuse Notification

l) Criminal Activity/DNS Abuse Reputation

m) Additional purpose(s) (explain below)

Please provide rationale for opposing each purpose not supported, rationale for each additional purpose proposed here, and/or any other comments:

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.