

**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.**

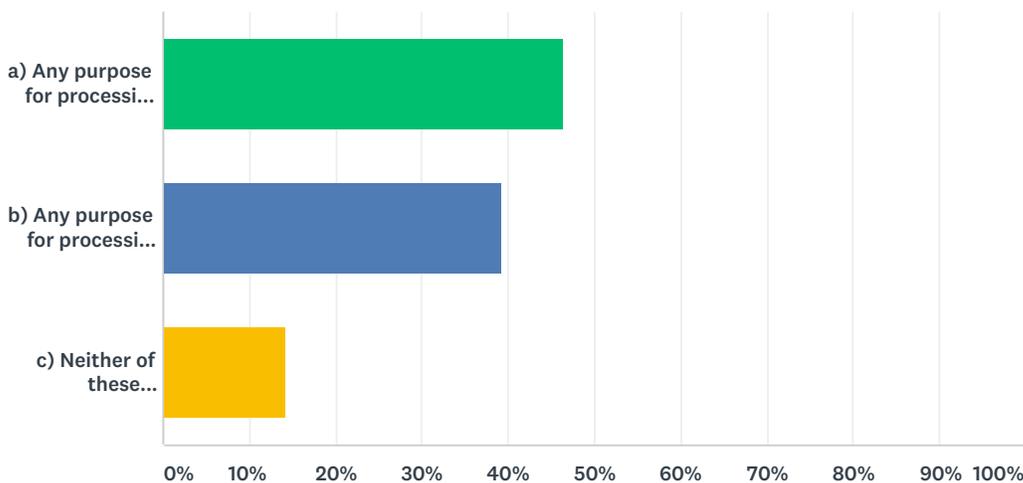
Answered: 28 Skipped: 0

#	RESPONSES	DATE
1	Steve Crocker	2/10/2018 7:34 PM
2	Greg Shatan	2/10/2018 6:38 PM
3	Dina Solveig Jalkanen	2/10/2018 4:17 PM
4	Tapani Tarvainen	2/10/2018 10:31 AM
5	Steve Metalitz	2/10/2018 10:08 AM
6	Carlton Samuels	2/9/2018 7:50 PM
7	Juan Manuel Rojas	2/9/2018 2:55 PM
8	Jeremy Malcolm	2/9/2018 2:45 PM
9	Kathy Kleiman	2/9/2018 11:41 AM
10	Vicky Sheckler	2/9/2018 11:03 AM
11	Benny Samuelsen	2/9/2018 8:11 AM
12	Theo Geurts	2/9/2018 8:08 AM
13	Alan Woods	2/9/2018 7:56 AM
14	Susan Kawaguchi	2/9/2018 7:55 AM
15	Bradley Silver	2/9/2018 7:47 AM
16	Volker Greimann	2/9/2018 7:24 AM
17	Mason Cole	2/8/2018 11:35 AM
18	Brian Winterfeldt	2/8/2018 8:14 AM
19	Griffin Barnett	2/8/2018 8:14 AM
20	Maxim Alzoba	2/8/2018 4:48 AM
21	Rod Rasmussen	2/7/2018 9:34 PM
22	Ayden Férdeline	2/7/2018 10:44 AM
23	Klaus Stoll	2/7/2018 1:44 AM
24	Chuck Gomes	2/6/2018 6:35 PM
25	Sam Lanfranco	2/6/2018 5:19 PM
26	Greg Aaron	2/6/2018 4:21 PM
27	Sara Bockey	2/6/2018 3:56 PM
28	Alex Deacon	2/6/2018 2:34 PM

**Q2 2. Criterion relating to ICANN's Mission** 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 6 February call, the WG reviewed last week's poll results and revised the proposed criteria. Both support and opposition were expressed on the following statement: Any purpose for processing registration data must be consistent with ICANN's mission. "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 the one statement below that best reflects your view on this criterion. If you wish to abstain or have no opinion, simply skip this question.

Answered: 28 Skipped: 0

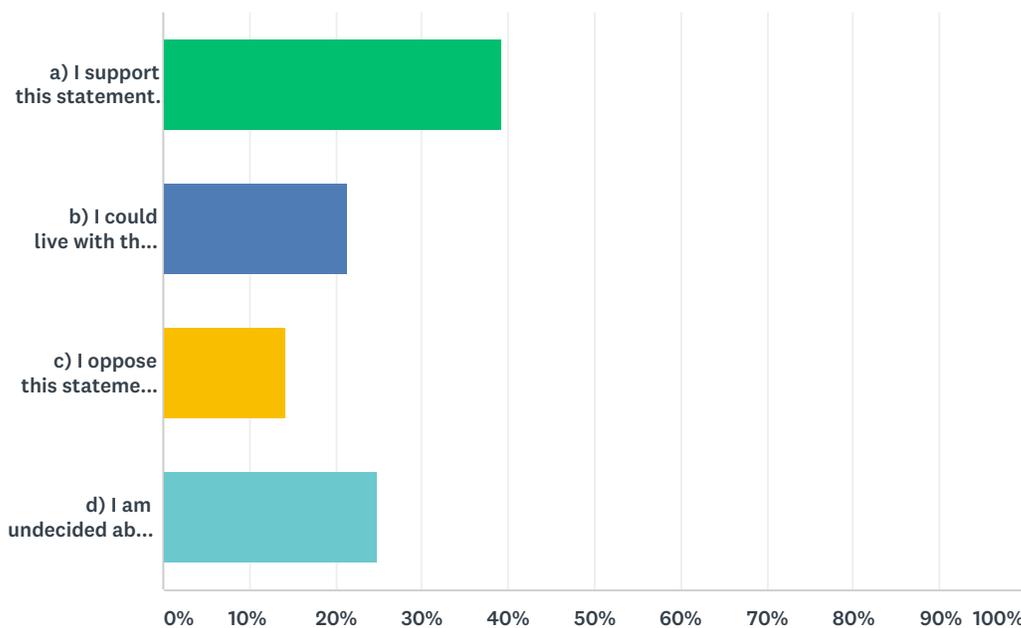


a) Any purpose for processing registration data must be consistent with ICANN's mission.	46.43%	13
b) Any purpose for processing registration data must not be inconsistent with ICANN's mission.	39.29%	11
c) Neither of these statements (please explain in the comment box below).	14.29%	4
<b>TOTAL</b>		<b>28</b>

#	RATIONALE FOR YOUR RESPONSE	DATE
1	I don't understand how the two statements differ. "Not inconsistent with" is logically equivalent to "consistent with." More to the point, I don't understand why we are spending time on such a fundamental question. Everything we do has to be consistent with ICANN's mission.	2/10/2018 7:34 PM
2	The purpose should be clearly related to ICANN's mission, not conflicting with it is not enough. I might even prefer something like "within the scope of ICANN's mission" to make this clearer.	2/10/2018 10:31 AM
3	Otherwise the set of criteria for purposes is far too broad and ambiguous, and not necessarily related to ICANN's mission at all.	2/9/2018 11:41 AM
4	i'm worried that ppl will try to interpret the mission too narrowly, even though elsewhere in the bylaws, the bylaws state that "Subject to applicable laws, ICANN shall use commercially reasonable efforts to enforce its policies relating to registration directory services and shall work with Supporting Organizations and Advisory Committees to explore structural changes to improve accuracy and access to generic top-level domain registration data, as well as consider safeguards for protecting such data."	2/9/2018 11:03 AM
5	Any processing must be consistent with the purpose and consent given at the time of collection.	2/9/2018 8:11 AM
6	Processing must be consistent with the applicable data protection law. That ICANN has a mission does not justify something.	2/9/2018 8:08 AM
7	This statement comes the closest to reflecting the language in the bylaws: ICANN shall not act outside its mission.	2/9/2018 7:47 AM
8	I could probably live with a or b. The fact is that ICANN must stay within its mission so any recommendations this WG makes will ultimately be consistent with that mission and cannot be inconsistent with the mission.	2/6/2018 6:35 PM

**Q3 3. Criterion relating to DNS Functionality** In our 6 February call, more support than opposition was expressed for the following statement: One criterion the WG will consider when determining whether a purpose for processing is legitimate is whether the purpose is inherent to the functionality of the DNS. This will not be the only criterion considered and is not a requirement that all purposes must satisfy. See Question 2 above for 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 this criterion: Support, Could live with, Oppose, Undecided. If you wish to abstain, simply skip this question.

Answered: 28 Skipped: 0



ANSWER CHOICES	RESPONSES	
a) I support this statement.	39.29%	11
b) I could live with this statement.	21.43%	6
c) I oppose this statement (please explain below).	14.29%	4
d) I am undecided about this statement.	25.00%	7
<b>TOTAL</b>		<b>28</b>

#	RATIONALE FOR YOUR RESPONSE	DATE
1	Some might interpret "DNS functionality" narrowly to refer just to the publication of the name server (NS) records, address (A and AAAAA) records and signature (DS) records. However, additional information is essential for administrative purposes. There is no argument about whether identity, contact information and billing information of the registrant is required. The areas of contention are what the meaning of admin and tech contacts are and how much of this information should be made available to various third parties and under what circumstances.	2/10/2018 7:34 PM
2	Chuck helpfully clarified that "inherent to the functionality of the DNS" should be viewed as narrowly tied to the technical aspects of successful connectivity, packet transfer, etc. I'm undecided because I'm concerned this could be used to create a hierarchy of purposes, with this purpose considered to be higher and better than other purposes. If it's a non-hierarchical sorting of different criteria relating to different types of purposes, then I can live with it.	2/10/2018 6:38 PM
3	Supporting DNS is the one clear reason for whois/RDS. Some discussion might be in order to clarify what "inherent to the functionality" means here though.	2/10/2018 10:31 AM
4	The use of the word 'functionality' presents limits that are too narrow.	2/9/2018 7:50 PM
5	Yes - DNS functionality is the operational criteria that will lead us to "specified, explicit and legitimate purposes" as required by GDPR and other laws.	2/9/2018 2:55 PM
6	As Andrew Sullivan said two weeks ago, this may be the only relevant and necessary criteria -- and even if we find others, it is a crucial and central one.	2/9/2018 11:41 AM
7	Ok with this being a factor, but am worried that this will be misconstrued as a gate to unduly limit legitimate purposes to merely technical issues.	2/9/2018 11:03 AM
8	Data needs to be processed to have a functioning DNS. That data does not have to contain registration from a technical perspective. Alternative DNS Root providers just require the technical data to function. <a href="https://www.opennic.org/">https://www.opennic.org/</a>	2/9/2018 8:08 AM
9	The reason a registrar, as the collector of the information, collects data and in turn discloses that to the registry and ICANN is purely to support the registration of a domain. Any other purpose must be related to the registration of a domain, and although not limiting us to what actually that is, it still is undoubtedly inherently related to the functionality of the DNS. No other reason or purpose could possibly be provided upon collection to a domain registrant, as to imply otherwise would be overbroad in ambit.	2/9/2018 7:56 AM
10	Notwithstanding the qualifier that this statement will be not be the only criterion, I am concerned that some may seek to use it as a means to limit what might otherwise be a legitimate purpose. Also, it is a little unclear to me whether we are talking about something which is technically required for the DNS to function, or something which is part of the concept of a "safe/secure/stable" DNS?	2/9/2018 7:47 AM
11	As noted above, so long as this would not be the exclusive criterion for determining legitimacy of purpose, I could live with this statement.	2/8/2018 8:14 AM
12	As noted above, so long as this would not be the exclusive criterion for determining legitimacy of purpose, I could live with this statement.	2/8/2018 8:14 AM
13	I think this text will create assumption, that all non technical reasons for data collection are not legitimate (for example ability to investigate cyber crime basing on RDS data is not a technical requirement, but a mix of legal/procedural requirements).	2/8/2018 4:48 AM
14	Statement is not clear enough and open to interpretation. What does it mean: "inherent to the functionality of the DNS"? Depending on a point of view, this can mean everything or nothing. "This will not be the only criterion considered and is not a requirement that all purposes must satisfy." sounds like "1+1=2, but we are open to any other results."	2/7/2018 1:44 AM
15	I am not convinced that this statement is necessary because I believe it is included in ICANN's mission but if it is helpful to the WG in agreeing on purposes for processing registration data, then I would support it.	2/6/2018 6:35 PM

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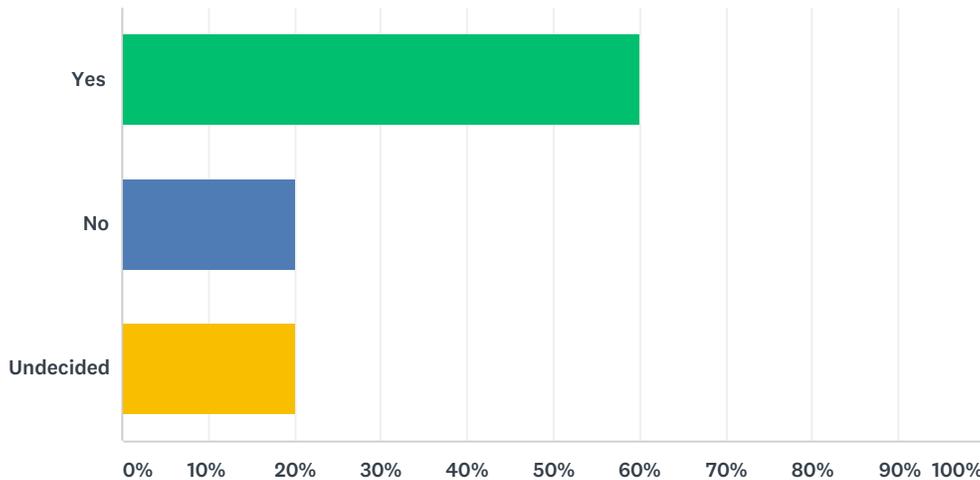
16 Chuck says the definition of "inherent to the functionality of the DNS" is: "what is absolutely required to make sure the domain name system works at the technical level". That definition is irrelevant and technically incorrect. Individual domain names have nothing to do with making "the domain name system" itself work. "The domain name system" is the huge decentralized naming system that's specified by the DNS protocol. Individual domain names work within it, but what we're doing in this working Group has nothing to do with the inherent functionality of the DNS itself. The IETF does that. I think whoever was working on this meant to say something more like: "what is absolutely required to make sure a domain name works at the technical level".

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2/6/2018 4:21 PM

**Q4 Do you think reaching rough consensus on the above statement will be useful to the WG when it deliberates on possible purposes for processing registration data? If you wish to abstain, simply skip this question.**

Answered: 25 Skipped: 3



ANSWER CHOICES	RESPONSES
Yes	60.00% 15
No	20.00% 5
Undecided	20.00% 5
<b>TOTAL</b>	<b>25</b>

#	RATIONALE FOR YOUR REPNSE	DATE
1	Same as above. It really depends on how this will be applied.	2/10/2018 6:38 PM
2	Not well defined. OK as an optional criterion but clearly not sufficient to define legitimate purpose. A set of likely "mandatory" criteria (whether linked by AND or OR) will be more useful.	2/10/2018 10:08 AM
3	Yes, because it this clear and concrete criteria will be extremely helpful in helping us arrive as "specified, explicit and legitimate purposes" in our next step.	2/9/2018 2:55 PM
4	Yes, because this is a key part of the explicit, specified and legitimate purposes we need to arrive - clear and operational reasons for processing personal data.	2/9/2018 11:41 AM
5	My idea would be to check if you have a legal basis first to process and then discuss if you actually need that data, as you might be able to end up in a situation that you do not require a legal basis, as it is no longer a requirement.	2/9/2018 8:08 AM
6	This goes to the core of data minimization. All or nothing in my opinion.	2/9/2018 7:56 AM
7	If we cannot reach consensus on this, I do not think it will matter much, since we will debate each purpose and the relevance to ICANN's mission, the functioning of the DNS and other criteria will undoubtedly be a natural part of that discussion, regardless of whether we reach consensus on this statement or not.	2/9/2018 7:47 AM
8	see rationale above	2/7/2018 1:44 AM
9	It is one of several criteria useful for future discussions on purposes for processing registration data.	2/6/2018 2:34 PM