

# EPDP Team Meeting

9 August 2018

Meeting 3

# Agenda

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1. Roll Call & SOI Updates
2. Welcome and Updates from EPDP Chair
3. Summary of responses to EPDP Input Survey Part 1 - Results for Appendix A – Registration Data Directory Services
4. Substantive Discussion of Temporary Specification (beginning with Section 4.4.6 – 4.4.13, 4.5 and Appendix A - Registration Data Directory Services) – see updated spreadsheet (Part 1 of Survey: <https://www.surveymonkey.com/r/CC6F9F8>)
5. Wrap and confirm next meeting to be scheduled for Tuesday 14 August at 13.00 UTC. (Part 2 Survey results due Friday, 10 August by close of business.)

# High-level Overview of EPDP Input Survey Part 1 Results

## Summary of Responses – Part 1

	IPC	GAC	NCSG	RrSG	ISPCP	BC	ALAC	RySG	SSAC
Sections 1.1., 1.2., 1.3.	Yes	Yes	No	Yes	No	Yes	Yes	No	Yes
Section 2.	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes
Section 3.	Yes	Yes	Yes	NSO	No	Yes	Yes	No	NSO
Sections 4., 4.1., 4.2.	Yes	Yes	No	No	No	Yes	Yes	No	Yes
Section 4.3.	Yes	Yes	No	No	No	Yes	Yes	No	Yes
Section 4.4., 4.4.1.	No	No	Yes	No	Yes	Yes	Yes	No	Yes
Section 4.4.2.	Yes	Yes	No	No	No	Yes	Yes	No	Yes
Section 4.4.3.	Yes	Yes	NSO	No	No	Yes	Yes	No	Yes
Section 4.4.4.	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes
Section 4.4.5.	Yes	Yes	No	No	No	Yes	Yes	No	Yes
Section 4.4.6.	Yes	Yes	No	No	No	Yes	Yes	No	Yes
Section 4.4.7.	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes
Section 4.4.8.	Yes	No	NSO	No	No	Yes	Yes	No	Yes
Section 4.4.9.	Yes	No	Yes	NSO	No	Yes	Yes	No	Yes
Section 4.4.10.	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes
Section 4.4.11.	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes
Section 4.4.12.	Yes	Yes	Yes	NSO	Yes	Yes	Yes	No	Yes
Section 4.4.13.	No	Yes	Yes	No	No	Yes	Yes	No	Yes
Section 4.5., 4.5.1. - 4.5.5.	Yes	Yes	No	No	No	Yes	No	No	Yes
Appendix A 1.-1.2.2.	Yes	No	NSO	No	No	Yes	Yes	No	Yes
Appendix A 2., 2.1. - 2.3.	No	No	Yes	No	No	No	No	No	No
Appendix A 2.4 - 2.6.	No	No	Yes	No	No	No	Yes	No	No
Appendix A 3.	No	No	NSO	No	Yes	No	Yes	Yes	No
Appendix A 4., 4.1., 4.2.	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No
Appendix A 5.	Yes	Yes	NSO	Yes	Yes	Yes	NSO	No	Yes

# Substantive discussion of Temporary Specification

Section 4.4.7,  
Lawfulness and  
Purposes

Issue Summary:

Opinions not in favor of this section question the utility of this voluntary data submission and whether voluntary data submissions should be included in the temporary specification.

Section 4.4.8,  
Lawfulness and  
Purpose

Issue Summary:

Explanation opposed to this section is not sufficiently detailed to adequately describe the issue. For example, what is the distinction among DNS Abuse, cybercrime and intellectual property theft?

Section 4.4.9,  
Lawfulness and  
Purposes

Issue Summary:

- There is a suggestion that LEA access to personal data needn't pass the balancing that data can be disclosed when legitimate and not over-ridden by fundamental rights. The preamble should refer to Art.6 of the GDPR.
- Must LEAs demonstrate the right to access data?

Section 4.4.10,  
Lawfulness and  
Purpose

Issue Summary:

Given the distinction between zone file data and registration data, whether zone file contains personal data, and the fact that zone file data is currently available - can this section remain?

Section 4.4.11,  
Lawfulness and  
Purposes

Issue Summary:

Is it accurate to say there is general approval of this data use so long as ICANN does not have access to the registration data (which is thought to be the case)?

Section 4.4.12,  
Lawfulness and  
Purpose

Issue Summary:

Except for the standard registry response, there appears to be consensus support for this section. Recommendations for enhancement can occur in the next step.

Section 4.4.13,  
Lawfulness and  
Purposes

Issue Summary:

Where there is disagreement with this section, the disagreement focuses on those specific data needs, without which the compliance task would be impossible to accomplish.

Section 4.5,  
Lawfulness and  
Purposes

Issue Summary:

Those not supporting this provision found the rationale in sections 4.5.1 et.seq. unconvincing.

The alternative approach might be, as discussed earlier, to discuss the data collection and disclosure purposes recommended in 4.1.1 et.seq. and develop this section, if needed, after that.

## Appendix A: Registration Data Directory Services, Section 1, Registration Data Directory Services

### Issue Summary:

All parties agree that RDAP will be implemented regardless of the date provided in Section 1.1 (which should be removed). There is some uncertainty as to whether a search capability should be a contractual requirement, and whether such a provision such as Section 1 is required at all given the current contract, and also that the risks associated with the aggregation of data must be addressed.

## Appendix A: Registration Data Directory Services, Section 2.1 – 2.3, Requirements for Processing Personal Data in Public RDDS...

### Issue Summary:

Some parties believe that section 2.1 (coupled with sec. 3) is overly broad in that:

- (1) GDPR data restrictions can be applied globally and include entities (registrars, registries, registrant) located outside the EEA, and
- (2) data restrictions need not be applied to Legal persons where personal data is not included in the record.

Others say that the legal/natural distinction cannot be made a priori and such a distinction is not implementable. Also, the privacy language prescribed (sec. 2.2) could be required prior to RDAP implementation.

Some urge additional data be redacted as personal information can be gained from them: e.g., organization name, city, postal code. The Temporary Specification mentions "consent" without a requirement or specification for such. This group may take that up. Should thin registries should be required to move to thick as part of this Temporary Specification?



Appendix A: Registration Data Directory Services, Section 2.4 – 2.6, Requirements for Processing Personal Data in Public RDDS...

Issue Summary:

Further elaboration on the operation of anonymized email is required to ensure: registrant data is protected (i.e., reword sec. 2.5.1.3 to be clear), use instructions must be clear on the registrars' web pages, and that a system is in place to make certain that the registrant receives the email and a record is made of the email. The storage time of data requests should be specified.

Appendix A: Registration Data Directory Services, Section 3, Additional Provisions Concerning Processing Personal Data

Issue Summary:

While many groups state that GDPR data restrictions should not be applied to registrants / operations outside the EEA, registrars should explain operational challenges as a prelude to discussion of this issue.

Appendix A: Registration Data Directory Services, Section 4, Access to Non-Public Registration Data

Issue Summary:

While parties generally support this section: 1) "reasonable" access should be defined (or the quoted term be eliminated); 2) there is concern that individual decisions or rulings will be construed as rules of law and be implemented haphazardly by registrars -- instead case law should be interpreted and used to make a single rule-set for all registrars; 3) this section applies to the "access" issue. and should be addressed when the group discusses access (per the Charter, after gating questions have been answered.)

Appendix A: Registration Data Directory Services, Section 5, Publication of Additional Data Fields

Issue Summary:

There is strong support for this section, with the caveat that there should be some measure of standardization of the output; and that the inclusion of Annex C in this clause is problematic and reserves the right to revisit this language when Annex C is reviewed.

# Wrap Up

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Mid-course corrections to today's meeting

Next meeting to be scheduled for Tuesday 14 August at 13.00 UTC

Note: Part 3 Temp Spec Survey submissions due by Wednesday 15 August (19.00 UTC)