

RrSG Review of the EPDP Triage Report

The Registrar Stakeholder Group (RrSG) generally believes the “Triage” Report: Expedited Policy Development Process for gTLD Registration Data to be a fair summary of the opinions and positions held by participating SO/ACs, as indicated by the Triage Survey responses and meeting discussion. Whilst there are certainly still many substantive details to be agreed, the RrSG supports the sentiment of the Triage Report and is happy to move forward on this basis. However, there are a few points in the report that the RrSG would like to see amendment or further clarification on, which are detailed below.

Section 1 Scope: “*...the terms of this Temporary Specification SHALL control, unless ICANN determines in its reasonable discretion that this Temporary Specification SHALL NOT control.*”

The RrSG would like it noted that there should be a definition for ‘reasonable discretion’ and what the criteria actually is.

Sections 4.1-4.3, point 2: “*Do the ICANN Bylaws and Mission provide the necessary authority to justify its role to mandate personal data processing...*”

The RrSG questions the use of the term ‘necessary authority’, as these bylaws and mission may be subject to change, whilst the laws are not.

Section 4.4, 4.4.1-4.4.2, point 4: “*GDPR indicates that LEA access to personal data needn't pass the test that data requests can be disclosed only when legitimate and not overridden by fundamental rights. Should the preamble in sec 4.4 refer to Art.6 of the GDPR as exempting LEA access from the requirement?*”

The RrSG believes that point 4 is either mis-worded or incorrect and therefore needs further clarification. It is not clear what the section is trying to achieve or what it is asking. With regards to LEA access, opinion from the EDPB should be referenced¹.

Appendix A, sections 2.1, 3, point 2: “*Should “thin” registries should be required to move to “thick” as part of this Temporary Specification?*”

The RrSG would like to see this point reworded as ‘Should registries operate as a thick or thin registry or is a hybrid model an option?’

The RrSG appreciates the work that was put into producing the triage report and, notwithstanding the minor amendments requested above, is positive about using this as a basis to take the next important steps into more substantive discussion on the Temporary Specification.

¹

https://iapp.org/media/pdf/resource_center/wp211_Proportionality-law%20enforcement_02-2014.pdf