

EPDP Team – Temporary Specification Discussion Summary Index

Temp Spec Section	4.4	Date (last update)	23 August 2018	Category	1
<p>Current text</p>	<p>4.4. However, such Processing must be in a manner that complies with the GDPR, including on the basis of a specific identified purpose for such Processing. Accordingly, Personal Data included in Registration Data may be Processed on the basis of a legitimate interest not overridden by the fundamental rights and freedoms of individuals whose Personal Data is included in Registration Data, and only for the following legitimate purposes:</p> <p>4.4.1. Reflecting the rights of a Registered Name Holder in a Registered Name and ensuring that the Registered Name Holder may exercise its rights in respect of the Registered Name;</p> <p>4.4.2. Providing access to accurate, reliable, and uniform Registration Data based on legitimate interests not outweighed by the fundamental rights of relevant data subjects, consistent with GDPR;</p> <p>4.4.3. Enabling a reliable mechanism for identifying and contacting the Registered Name Holder for a variety of legitimate purposes more fully set out below;</p> <p>4.4.4. Enabling a mechanism for the communication or notification of payment and invoicing information and reminders to the Registered Name Holder by its chosen Registrar;</p> <p>4.4.5. Enabling a mechanism for the communication or notification to the Registered Name Holder of technical issues and/or errors with a Registered Name or any content or resources associated with such a Registered Name;</p> <p>4.4.6. Enabling a mechanism for the Registry Operator or the chosen Registrar to communicate with or notify the Registered Name Holder of commercial or technical changes in the domain in which the Registered Name has been registered;</p> <p>4.4.7. Enabling the publication of technical and administrative points of contact administering the domain names at the request of the Registered Name Holder;</p>				

	<p>4.4.8. Supporting a framework to address issues involving domain name registrations, including but not limited to: consumer protection, investigation of cybercrime, DNS abuse, and intellectual property protection;</p> <p>4.4.9. Providing a framework to address appropriate law enforcement needs;</p> <p>4.4.10. Facilitating the provision of zone files of gTLDs to Internet users;</p> <p>4.4.11. Providing mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a business or technical failure, or other unavailability of a Registrar or Registry Operator;</p> <p>4.4.12. Coordinating dispute resolution services for certain disputes concerning domain names; and</p> <p>4.4.13. Handling contractual compliance monitoring requests, audits, and complaints submitted by Registry Operators, Registrars, Registered Name Holders, and other Internet users.</p>		
	Support as is	No strong Opinion	Does not support as is
4.4, 4.4.1	55.56%	0%	44.44%
4.4.2	55.56%	0%	44.44%
4.4.3	55.56%	11.11%	33.33%
4.4.4	66.67%	0%	33.33%
4.4.5	55.56%	0%	44.44%
4.4.6	55.56%	0%	44.44%
4.4.7	66.67%	0%	33.33%
4.4.8	44.44%	11.11%	44.44%
4.4.9	55.56%	11.11%	33.33%
4.4.10	66.67%	0%	33.33%
4.4.11	77.78%	0%	22.22%
4.4.12	77.78%	11.11%	11.11%
4.4.13	55.56%	0%	44.44%
Dependency on other sections of the Temp Spec	Appendix C - 1		

Related Charter Question(s)	<p>Part 1: Purposes for Processing Registration Data</p> <p>a) Purposes outlined in Sec. 4.4.1-4.4.13 of the Temporary Specification:</p> <p>a1) Are the purposes enumerated in the Temporary Specification valid and legitimate?</p> <p>a2) Do those purposes have a corresponding legal basis?</p> <p>a3) Should any of the purposes be eliminated or adjusted?</p> <p>a4) Should any purposes be added?</p>
Proposed Response to Charter Question(s)	
DPA / EDPB Guidance	<p>In its letter of 11 April 2018, WP29 stressed the importance of explicitly defining legitimate purposes in a way which comports with the requirements of the GDPR.¹ In its letter of 10 May 2018, ICANN makes several references to ICANN's Bylaws to underline that ICANN's mission with respect to domain names is not limited to ensuring the stable and secure operation of the Internet's unique identifier system (technical stability).</p> <p>The EDPB has taken note of ICANN's Bylaws, which require ICANN, in carrying out its mandate, and in particular as part of its review processes, to "assess the effectiveness of the then current gTLD registry directory service and whether its implementation meets the legitimate needs of law enforcement, promoting consumer trust and safeguarding registrant data"² and to "adequately address issues of competition, consumer protection, security, stability and resiliency, malicious abuse issues, sovereignty concerns and rights protection" prior to authorizing an increase in the number of gTLDs in the root zone.³</p> <p>Nevertheless, the EDPB considers it essential that a clear distinction be maintained between the different processing activities that take place in the context of WHOIS and the respective purposes pursued by the various stakeholders involved. There are processing activities determined by ICANN, for which ICANN, as well as the registrars and registries, require their own legal basis and purpose, and then there are processing activities determined by third parties, which require their own legal basis and purpose.</p> <p>The EDPB therefore reiterates that ICANN should take care not to conflate its own purposes with the interests of third parties, nor with the lawful grounds of processing which may be applicable in a particular case.</p> <p>A clear definition of the specific purposes pursued by ICANN (and registrars and registries) at the moment of collection would not categorically exclude the subsequent disclosure of personal data to third parties for their own (legitimate) interests and purposes, provided the requirements of the GDPR are met.⁴ Article 6(1)f GDPR provides a legal basis for controllers to disclose personal data for the purposes of the legitimate interests third parties,</p>

³ Article 29 Working Party, Letter to Mr. Goran Marby of 11 April 2018, p. 3.

² ICANN Bylaws Section 4.6(e)(ii), available at <https://www.icann.org/resources/pages/governance/bylaws-en>.

³ ICANN Bylaws Section 4.6 (d).

⁴ See for example the CJEU judgment in Rigas (C-13/16), concerning the disclosure of personal data necessary in order to exercise a legal claim.

	<p>provided that those interests are not overridden by the interests or fundamental rights and freedoms of the data subject which require the protection of personal data.⁵⁷ Indeed, recital (47) of the GDPR provides that</p> <p><i>"The legitimate interests of a controller, including those of a controller to which the personal data may be disclosed, or of a third party, may provide a legal basis for processing, provided that the interests or the fundamental rights and freedoms of the data subject are not overriding, taking into consideration the reasonable expectations of data subjects based on their relationship with the controller."</i></p> <p>As a result, the personal data processed in the context of WHOIS can be made available to third parties who have a legitimate interest in having access to the data, provided that appropriate safeguards are in place to ensure that the disclosure is proportionate and limited to that which is necessary and the other requirements of the GDPR are met, including the provision of clear information to data subjects.</p>
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⁵ Depending on the circumstances, the disclosure may also be justified pursuant another lawful basis, such as compliance with a legal obligation to which the controller is subject (article 6(1)c).

Proposed Changes / Rationale for Change 4.4 – 4.4.1	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.
RrSG	The preamble omits concepts of ‘necessity’ (Art 6 of GDPR) such as for performance of contract, compliance with legal obligation, or for performance of a task carried out in the public interest. These concepts are relevant to data processing in relation to domain name registrations (this comment references questions 8-20 in general).
IPC	Rationale: Article 2 of GDPR clearly states that several categories/types of processing fall outside its scope and thus are NOT subject to the balancing test of Article 6(1)(f). This includes processing for criminal law enforcement and by competent authorities for safeguarding against and the prevention of threats to public security, which falls outside the scope of the GDPR and instead is subject to Directive (EU) 2016/680. Moreover, Article 6 of the GDPR provides for lawful processing in a number of circumstances as set forth in Article 6(1)(a) - (e), such as processing necessary for the performance of a task carried out in the public interest, that also are NOT subject to the balancing test of “overridden by the interest or fundamental rights” in (f). Finally, Article 6(1) also states that (f) “shall not apply to processing carried out by public authorities in the performance of their tasks.” Therefore, Article 4.4 of the Temp Spec is too narrow and does not recognize that there are categories of processing of Personal Data in Registrant Data that are NOT subject to the qualification of “not overridden by the fundamental rights and freedoms of individuals whose Personal Data is included in Registration Data.” For processing that is necessary for the purposes of the legitimate interests pursued by the controller or third party, we agree that the balancing test of Article 6(1)(f) applies. However, these legitimate interests under Article 6 pursued by a controller or third party are not defined. We support seeking to identify categories of legitimate interests and purposes that qualify for processing in accordance with Article 6(1)(f) of the GDPR, but caution that the Consensus Policy should not seek to exclusively define such interests by using language such as “only for the following legitimate purposes.”
BC	BC agrees with this section and suggests the following topics for future discussion: The final policy should reflect that GDPR is a law specific to EEA and that there may exist opposing law outside of the jurisdiction of GDPR; processing must comply with GDPR where applicable but not necessarily elsewhere. This is significant insofar as unnecessary compliance may place undue burden on CPs in other regions where law is different.
ISPCP	

NCSG	
ALAC	
GAC	Edit: In section 4.4, the second and last sentence “Accordingly, Personal Data included in Registration Data may be Processed on the basis of a legitimate interest not overridden by the fundamental rights and freedoms of individuals whose Personal Data is included in Registration Data, and only for the following legitimate purposes:” Should read: “Accordingly, Personal Data included in Registration Data may be Processed on the basis of a legitimate interest not overridden by the fundamental rights and freedoms of individuals whose Personal Data is included in Registration Data. Accepted legitimate purposes include:” Rationale: current wording suggests an exhaustive list, for a policy for access to Registration data that will last XX years. It can’t foresee all legitimate purposes. Additionally, GAC Representatives would like to flag that references to GDPR only in section 4.4 and related subsections may be problematic in regard to other national or regional data protection frameworks. Reference was made to national data protection legislations.
SSAC	
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.2 (Providing access to accurate, reliable, and uniform Registration Data based on legitimate interests not outweighed by the fundamental rights of relevant data subjects, consistent with GDPR)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.
RrSG	4.4.2 is vaguely worded and too widely drafted, and omits concepts of necessity (see comments on 8-20 above).
IPC	
BC	
ISPCP	There is an issue with this as processing may take place based on different legal grounds, not only legitimate interest, see Art. 6 I b and c GDPR. Where data is processed based on legitimate interests, the question is whether that can / should be mandated by ICANN as Art. 6 I f GDPR gives the controller or processor the right to process data, but not an obligation. Also, it does not grant third party requestors

	any right to accessing data. This section is better redrafted when the substantive discussion has been held.
NCSG	Actors with a legitimate interest in the data corresponding to a particular name represent a clear case for access, provided they can be securely and appropriately identified and they can demonstrate that they will commit to protecting the data under the same terms that the providing party has collected it. Some actors may be able to present a case to obtain all data in a certain element class, for a purpose such as cybersecurity where the purpose is specific (eg. monitoring for the spreading of malware). This section is worded very broadly, and the phrase “not outweighed by the fundamental rights of” does not sufficiently capture the requirement for greater specificity. Briefly, a tiered directory which provides access to ranges of data elements for classes of third parties is not possible under the GDPR because of the requirement for greater specificity. This needs to be added to the specification. Wording can be provided once this principle is agreed; it requires a deeper level of specificity across several sections.
ALAC	
GAC	
SSAC	
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.3 (Enabling a reliable mechanism for identifying and contacting the Registered Name Holder for a variety of legitimate purposes more fully set out below)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.
RrSG	The following should be struck from the sentences “identifying and...”. (The sentence should allow contact but not necessarily identification.)
IPC	
BC	
ISPCP	There is an issue with this as processing may take place based on different legal grounds, not only legitimate interest, see Art. 6 I b and c GDPR. Where data is processed based on legitimate interests, the question is whether that can / should be mandated by ICANN as Art. 6 I f GDPR gives the controller or

	processor the right to process data, but not an obligation. Also, it does not grant third party requestors any right to accessing data. This section is better redrafted when the substantive discussion has been held.
NCSG	
ALAC	
GAC	
SSAC	
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.4 (Enabling a mechanism for the communication or notification of payment and invoicing information and reminders to the Registered Name Holder by its chosen Registrar)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.
RrSG	4.4.4 should be struck in its entirety. Communication between registrar and its customer is nothing to do with the WHOIS and ICANN should not be adding clauses like this to registrar contracts.
IPC	
BC	
ISPCP	Payment and Invoicing is a matter for the registrar to handle. In most, if not all cases, invoices will be issued to the account holder and not to the registrant. Hence, this is not a matter for ICANN and the document should be silent on this.
NCSG	
ALAC	
GAC	
SSAC	
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.5 (Enabling a mechanism for the communication or notification to the Registered Name Holder of technical issues and/or errors with a Registered Name or any content or resources associated with such a Registered Name)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.
RrSG	The following should be amended from: “technical issues and/or errors with a Registered Name or any content or resources associated with such a Registered Name” to "technical issues associated with a Registered Name". ICANN’s mandate is security and stability. Communication with the registrant on technical issues/errors is dealt with through the publication of registrar information, not registrant information on the WHOIS. Again, ICANN shouldn’t be adding these kinds of things to registrar contracts.
IPC	
BC	
ISPCP	ICANN must not regulate content and therefore not establish communications channels suggesting ICANN does have a role in that area.
NCSG	Just like ICANN is not a consumer protection organization or a business regulator, ICANN is not a content regulator. Content and/or resources associated with a Registered Name are out of scope of ICANN’s mission (even if this happens to be a legitimate interest). Registration data should not be used as a mechanism to enable contact with Registered Name Holders for this purpose. We therefore request suggest the removal ofing the latter half of the sentence, “or any content or resources associated with such a Registered Name.”
ALAC	
GAC	
SSAC	
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.6 (Enabling a mechanism for the Registry Operator or the chosen Registrar to communicate with or notify the Registered Name Holder of commercial or technical changes in the domain in which the Registered Name has been registered)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.
RrSG	4.4.6 should be struck in its entirety. Communications between registry, registrar and registrant are not reliant on the WHOIS. This data processing is necessary for the fulfillment of the registration contract and is done through non-WHOIS channels. The registrar must have a means of communicating with the registrant; the registry needn’t have such a means.
IPC	
BC	
ISPCP	From a legal point of view, there cannot be a one size fits all approach to this. Registries may not have such interest and leave the communication to the registrar.
NCSG	Change the text of 4.4.6 to: “Enabling a mechanism for the chosen Registrar to communicate with or notify the Registered Name Holder of commercial or technical changes in the domain in which the Registered Name has been registered;”
ALAC	
GAC	
SSAC	
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.7 (Enabling the publication of technical and administrative points of contact administering the domain names at the request of the Registered Name Holder)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.

RrSG	The wording calls to mind admin and technical contacts, which are no longer useful in fulfilling the purpose of making contact with the relevant people on administrative or technical issues - that would be the registrar of record, rather than admin and tech contacts. The Registered Name Holder has a means of publishing their own information, via their website. In addition, technical and administrative contacts that are not the registrant cannot be published by the registrar without appropriate consent, which is impossible to get.
IPC	IPC is supportive of this comment however we believe that publication of this data happens at the request *or consent” of the Registered Name Holder. This is consistent with the requirements placed on the Registrar in Section 7.2.4.
BC	BC agrees with this section and suggests the following topics for future discussion: Final policy should allow for both request or consent of Registered Name Holder”
ISPCP	It is questionable whether it should be a purpose of data processing to be able to publish this data, particularly since the Temporary Specification does not require the publication of this data. Also, not all contracted parties may see the need of collecting such data in the first place. Additionally, the purposes for collecting such data, if at all, must be determined before discussing the question of publication.
NCSG	In principle the NCSG does not object to a Registered Name Holder opting for their contact information to be disclosed to a wide audience, however this must only happen in line with Recital 43 (‘Freely Given Consent’) of the GDPR, which states that consent, in order to be lawful, must be freely given and a genuine choice made by the registrant.
ALAC	
GAC	
SSAC	
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.8 (Supporting a framework to address issues involving domain name registrations, including but not limited to: consumer protection, investigation of cybercrime, DNS abuse, and intellectual property protection)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.

RrSG	The following should be struck: “consumer protection” and “intellectual property protection” as they're outside of ICANN’s scope / mandate and are very much down to issues around content. ICANN’s remit is for “DNS abuse” only. “Cybercrime” may be included to the extent that it is also DNS abuse. In addition, ICANN contracts for registrars and registries require them to publish specific abuse contact information.
IPC	The IPC supports this section however we suggest that in the EPDP report the term “Supporting” be replaced with “Providing” to make it consistent with Section 4.4.9. Note also the comment made to Question 8. In addition, it may be appropriate to address 4.4.8. and 4.4.9. together because of the overlap of cybercrime and law enforcement
BC	BC agrees with this section and suggests the following topics for future discussion: In the final policy, “Supporting” should be replaced with “Providing” to have parity with other like provisions (e.g., 4.4.9).
ISPCP	Absent details on what this framework looks like, it is not possible to endorse this purpose. It is questionable whether registration data is required to be passed on to third parties to achieve all purposes that might be included in the framework.
NCSG	The NCSG believes section 4.4.8 will be better addressed during the EPDP Team’s review of the annex to the temporary specification. For now we propose that section 4.4.8 be replaced with: “Enabling verified and authorized third parties (if any) to request relevant data from registrars and registries in a secure manner to address issues involving domain name registrations”
ALAC	
GAC	GAC Representatives to the EPDP would like to flag this item as not supported but will need more time to propose appropriate language. It is not clear it is formulated as defining a purpose in a way that is consistent with the GDPR.
SSAC	
ICANN Org Response to EPDP Team Question	<p><i>Regarding Temporary Specification section 4.4.8 - Supporting a framework to address issues involving domain name registrations: the team requests additional specificity. Does this mean that registrars and registries must support a uniform access mechanism when approved or is there some present requirement?</i></p> <p>RESPONSE: Section 4.4.8 identifies that addressing issues involving domain name registrations, including but not limited to: consumer protection, investigation of cybercrime, DNS abuse, and intellectual property protection using a framework to be developed is a legitimate purpose for the processing of registration data. With regard to the second question, section 4.4.8 does not by itself require that registrars and registries must support a uniform access mechanism when approved. Please note however that section 4.1 of Appendix A does have a requirement for registrars and registries to “provide reasonable access to Personal Data in Registration Data to third parties on the basis of legitimate interests pursued by the third party, except where such interests are overridden by the interests or</p>

	<p>fundamental rights and freedoms of the Registered Name Holder or data subject pursuant to Article 6(1)(f) GDPR.” Separately, section 4.2 of Appendix A requires registrars and registries to “provide reasonable access to Personal Data in Registration Data to a third party where the Article 29 Working Party/European Data Protection Board, court order of a relevant court of competent jurisdiction concerning the GDPR, applicable legislation or regulation has provided guidance that the provision of specified non-public elements of Registration Data to a specified class of third party for a specified purpose is lawful.” Section 4.2 of Appendix A further requires that registrars and registries “provide such reasonable access within 90 days of the date ICANN publishes any such guidance, unless legal requirements otherwise demand an earlier implementation.”</p>
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.9 (Providing a framework to address appropriate law enforcement needs)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.
RrSG	We do note the jurisdiction of specific law enforcement should be addressed.
IPC	
BC	
ISPCP	LEA needs and legal grounds for providing access need to be discussed first. Where there is a legal requirement to pass on data to LEAs, that would not even need to be included in the list of purposes. It is important to discuss whether it is legally possible / desirable to make available data to LEAs that do not have a right to request data
NCSG	
ALAC	
GAC	GAC Representatives to the EPDP would like to flag this item as not supported but will need more time to propose appropriate language. It is not clear it is formulated in a way that defines a purpose in a way that is consistent with the GDPR. The use of the term “Law enforcement” may also need to be modified.
SSAC	

High level summary of the deliberations and/or recommendation(s)	
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Proposed Changes / Rationale for Change 4.4.10 (Facilitating the provision of zone files of gTLDs to Internet users)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification
RrSG	The provision of zone files has nothing to do with WHOIS and this provision should be deleted. Zone files should be technical data only, not personal data. We question the extent to which general ‘Internet users’ need access to zone files, and in any event, the types of internet users who have legitimate reasons for accessing zone files should be identified (eg researchers, law enforcement, rights enforcement... others?)
IPC	
BC	
ISPCP	This requires further discussion. The way zone file data is made available today is problematic, to say the least.
NCSG	
ALAC	
GAC	
SSAC	
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.11 (Providing mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a business or technical failure, or other unavailability of a Registrar or Registry Operator)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the

	working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.
RrSG	RrSG does not understand how WHOIS would be viewed as ‘safeguarding Registered Name Holders’ Registration Data in the event of business or technical failure, or other unavailability of a Registrar or Registry Operator.’ - clarification is needed. Data escrow should be used as a backup and not as a means for ICANN to gain access to personal data. Unavailability is a vague term and appears to be redundant to previously mentioned "business or technical failure..."
IPC	
BC	
ISPCP	
NCSG	
ALAC	
GAC	
SSAC	
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.12 (Coordinating dispute resolution services for certain disputes concerning domain names)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.
RrSG	
IPC	The IPC supports this section but believes that more specificity is required in the EPDP report. Specifically the EPDP final report should specify not only coordination but also facilitation of dispute resolution services including providing a forum and creating the necessary processes.
BC	BC agrees with this section and suggests the following topics for future discussion: Not all impacted parties will play a coordinating role in every instance; in some cases, facilitation will be required rather than coordination. Accordingly, the BC suggests replacing “coordinating” with “facilitating”.
ISPCP	
NCSG	

ALAC	
GAC	
SSAC	
High level summary of the deliberations and/or recommendation(s)	

Proposed Changes / Rationale for Change 4.4.13 (Handling contractual compliance monitoring requests, audits, and complaints submitted by Registry Operators, Registrars, Registered Name Holders, and other Internet users)	
RySG	The RySG notes that given the advice received from Article 29 / EDPB, the ePDP working group should reconsider the language in Section 4. Given that that the “Mission and Scope” of the ePDP charter includes Part 1: Purposes for Processing Registration Data, the RySG feels that it is important for the working group to specifically deliberate on each of the purposes set out in Section 4.4 of the Temporary Specification.
RrSG	Contractual compliance audits do not rely on public WHOIS data and can manage audits without access to personal data. WHOIS does not exist for ICANN Compliance to exploit nor has ICANN Compliance any legitimate purpose in accessing personal data. There are also possible safeguarding issues around transfer of the data to ICANN Compliance, since they have no footprint in the EU.
IPC	Under Article 6(1)(b) of the GDPR, processing is lawful when necessary for the performance of a contract to which the data subject is party and it is not subject to the balancing of interests test under Article 6(1)(f).
BC	
ISPCP	This is too broad brush. The document should be precise on why the data is needed for the various groups. There also seems to be overlap with other purposes, so some aspects might be redundant.
NCSG	
ALAC	
GAC	
SSAC	
ICANN Org Response to EPDP Team Question	<i>Regarding Temporary Specification section 4.4.13 - Handling contractual monitoring requests: which data sets will be required to measure compliance against which contractual provisions?</i> RESPONSE: The data requested by ICANN Contractual Compliance will vary depending on the particular compliance issue. For example, for a registrant’s complaint that a renewal reminder email was not

	received, ICANN Contractual Compliance may request from the registrar of record a copy of the communication to the Registered Name Holder.
High level summary of the deliberations and/or recommendation(s)	

Proposed modification of text (if appropriate)
[Include proposed modifications to the text, if applicable]
Level of Support
[Indicate level of support for proposed modification, per designations in the charter]