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M

(Purposes by Actor (M))(TempSpec – URS-4.4.12, 5.6, Appx D; UDRP-Appx E)

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Data Elements Collected or Generated - Pre GDPR	Fields to be Collected M-PA1	Fields to be Transferred M-PA2[3]	Lawfulness of Processing Questions
Source: ~~Registrar Data Escrow Specifications~~ RAA			**1) If the purpose is based on an ICANN contract, is this lawful as tested against GDPR and other laws?**
Domain Name	1	-	
Registry Domain ID	-	-	Art 6.1 (b) yes, but only for URS and UDRP as RDDRP, PDDRP and PICDRP are not part of the contract which the data subject
Registrar Whois Server	1	-	
Registrar URL	1	-	
Updated Date	1	-	
Creation Date	1	-	Art. 6.1(f): RDDRP, PDDRP and PICDRP. Question for ICANN Org,: why weren't RDDRP and PDDRP and PICDRP not included in the Temp Spec and should they be added? Need to review in further detail RDDP, PDDRP and PICDRP to fully understand the implications and requirements before filling out this worksheet further for those dispute resolution policies.
Registry Expiry Date	1	-	
Registrar Registration Expiration Date	1	-	
Registrar	1	-	
Registrar IANA ID	1	-	
Registrar Abuse Contact Email	1	-	
Registrar Abuse Contact Phone	1	-	
Reseller	1	-	Art.6.1(a) No – no mechanism sufficiently GDPR compliant to transfer this consent onwards to other parties involved and deal with possible withdrawal of consent.
Domain Status	1	-	
Registry Registrant ID	-	-	
Registrant Fields			
• Name	1	-	**2) Is the purpose in violation with ICANN's bylaws?**
• Organization (opt.)	(1)	-	
• Street	1	-	Art 6.1 (b) / URS, UDRP - No
• City	1	-	
• State/province	1	-	
• Postal code	1	-	
• Country	1	-	
• Phone	(1)	-	**3a) Description of processing activity**
• Phone ext (opt.)	(1)	-	**3b) Responsible Party/Parties** ~~3) Data Required for purpose of whom?~~
• Fax (opt.)	(1)	-	
• Fax ext (opt.)	(1)	-	Art 6.1 (b) / URS, UDRP: Third Party Interests, Registries and Registrars
• Email	1	-	
2nd E-Mail address	-	-	
Admin ID	-	-	**4) Is the processing necessary to achieve the purpose?**
Admin Fields			
• Name	-	-	Art 6.1 (b) / URS, UDRP: Yes
• Organization (opt.)	-	-	
• Street	-	-	

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Data Elements Collected or Generated - Pre GDPR	Fields to be Collected M-PA1	Fields to be Transferred M-PA2[3]	Lawfulness of Processing Questions
• City	-	-	
• State/province	-	-	
• Postal code	-	-	**5) Do Data Elements require transfer to meet the purpose? (Charter Questions 2c, 2d, 2e, 2i)**
• Country	-	-	
• Phone	-	-	Art 6.1 (b) / URS, UDRP: Yes – all data is transferred to dispute resolution provider and to registry
• Phone ext (opt.)	-	-	
• Fax (opt.)	-	-	Question for compliance: does data need to be transferred to registries for UDRP?
• Fax ext (opt.)	-	-	
• Email	-	-	
Tech ID	-	-	**6) Publication of data by Registrar/Registry required to meet the purpose? (Charter Question 2f)**
Tech Fields			
• Name	-	-	Data to be published in a freely accessible directory
• Organization (opt.)	-	-	- Domain Name
• Street	-	-	- Registrar Whois Server
• City	-	-	- Registrar URL
• State/province	-	-	- Updated Date
• Postal code	-	-	- Creation Date
• Country	-	-	- Registry Expiry Date
• Phone	-	-	- Registrar Registration Expiration Date
• Phone ext (opt.)	-	-	- Registrar
• Fax (opt.)	-	-	- Registrar IANA ID
• Fax ext (opt.)	-	-	- Registrar Abuse Contact Email
• Email	-	-	- Registrar Abuse Contact Phone
NameServer(s)	-	-	- Reseller
DNSSEC	-	-	- Domain Status
Name Server IP Address	-	-	
Last Update of Whois Database	-	-	Should there be any changes made to the registrant data that is required to be redacted? No
Other Data:			
• Field 1	-	-	Under what circumstances should third parties be permitted to contact the registrant? Already covered by UDRP and URS providers as being third parties.
• Field 2	-	-	
• Field 3	-	-	**7) Are there any "picket fence" considerations related to this purpose?**
• Field 4	-	-	

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Comment [BC2]: 1.*With respect to ICANN's references to dispute resolution policies within the Temporary Specification, is there a reason only the URS and UDRP were included and not other dispute resolution procedures such as RDDRP, PDDRP and PICDRP?*
The RDDRP, PDDRP, and PICDRP <https://newgtlds.icann.org/en/program-status/pddrp> are dispute resolution procedures where the gTLD registry operators themselves are the respondents. Under the Registrar Transfer Dispute Resolution Policy <https://www.icann.org/resources/pages/tdrp-2016-06-01-en> the respondents are registrars. This is different from URS and UDRP proceedings where individual domain registrants are the respondents. (Note: gTLD registry agreements may also contain other dispute resolution procedures, for example, .NAME has an "Eligibility Requirements Dispute Resolution Policy" <https://www.icann.org/resources/pages/appendix-11-2013-07-08-en>.)

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• Field 5	-	-	No

8) What are the data retention requirements to meet the purpose? (Charter Question 2g)

Currently no requirements for data retention by dispute resolution providers that the EPDP Team is aware of

Life of registration plus 2 years for registrars – To be further discussed by the EPDP Team (not clear what rationale is for current requirements –might be linked to statute of limitations) Data retention requirement for registrars should be uniform with other requirements.

Proposed Policy Recommendation: ICANN Org should enter into data processing agreements with dispute resolution providers in which the data retention period is addressed, considering the interest in having publicly available decisions.

9) Additional information needed to adequately document the purpose?

ICANN Org to provide EPDP Team with copy of agreements with UDRP/URS providers in relation to data protection / transfer of data as well as the relevant data protection policies that dispute resolution providers have in place.

Chain of Custody:
- RAA - https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en
  - 3.8
- RyA - https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.html

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