A

ICANN PURPOSE:

Establish 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. Specifically, subject to applicable terms and conditions posted by the registrar, including applicable policies from the registrar, registry, and ICANN, a Registered Name Holder has the following rights with respect to its domain name(s):

1. The right to exclusive use, and to benefit from use
2. The right to transfer (i.e., the right to sell, gift, sub delegate to others)
3. The right to renew and restore
4. The right to transfer the name(s) to the registrar of its choice from among registrars authorized to sell domain names in the gTLD of interest;
5. The right to choose its registrar from among registrars authorized to sell domain names in the gTLD of interest.

(Purposes by Actor (A))(TempSpec - 4.4.1)

Purpose Rationale:

1) If the purpose is based on an ICANN contract, is this lawful as tested against GDPR and other laws?

Yes, this purpose is lawful based on ICANN's requirement that registrar / registrar contract with registrant; however, is not currently agreement over if this processing is lawful under Art.6(1)(b) or Art.6(1)(f).

For those EPDP Team Members who believe the processing is lawful under 6(1)(b) believe it is necessary to collect registrant data to allocate a string to a registrant. Without collecting minimal registrant data, the contracted party has no way of tracing the string back to registrant and is not able to deliver its side of the contract.6(1)(b) - This is a 6(1)(b) purpose because transmission of the minimal registration data from the registrar to the registry is necessary to allocate the string to the registrant.

For those EPDP Team Members who believe the processing may not be lawful under 6(1)(b) since ICANN does not have a contract with the registrant (the data subject) believe processing under this purpose is lawful under 6(1)(f) as ICANN has a legitimate interest in having accredited registrars collect minimal registrant data to trace a string back to a registrant.

2) Is the purpose in violation with ICANN's bylaws?

No, it is not in violation of ICANN's bylaws.

3) Are there any "picket fence" considerations related to this purpose?

This purpose is related to WHOIS, which is within the Picket Fence.

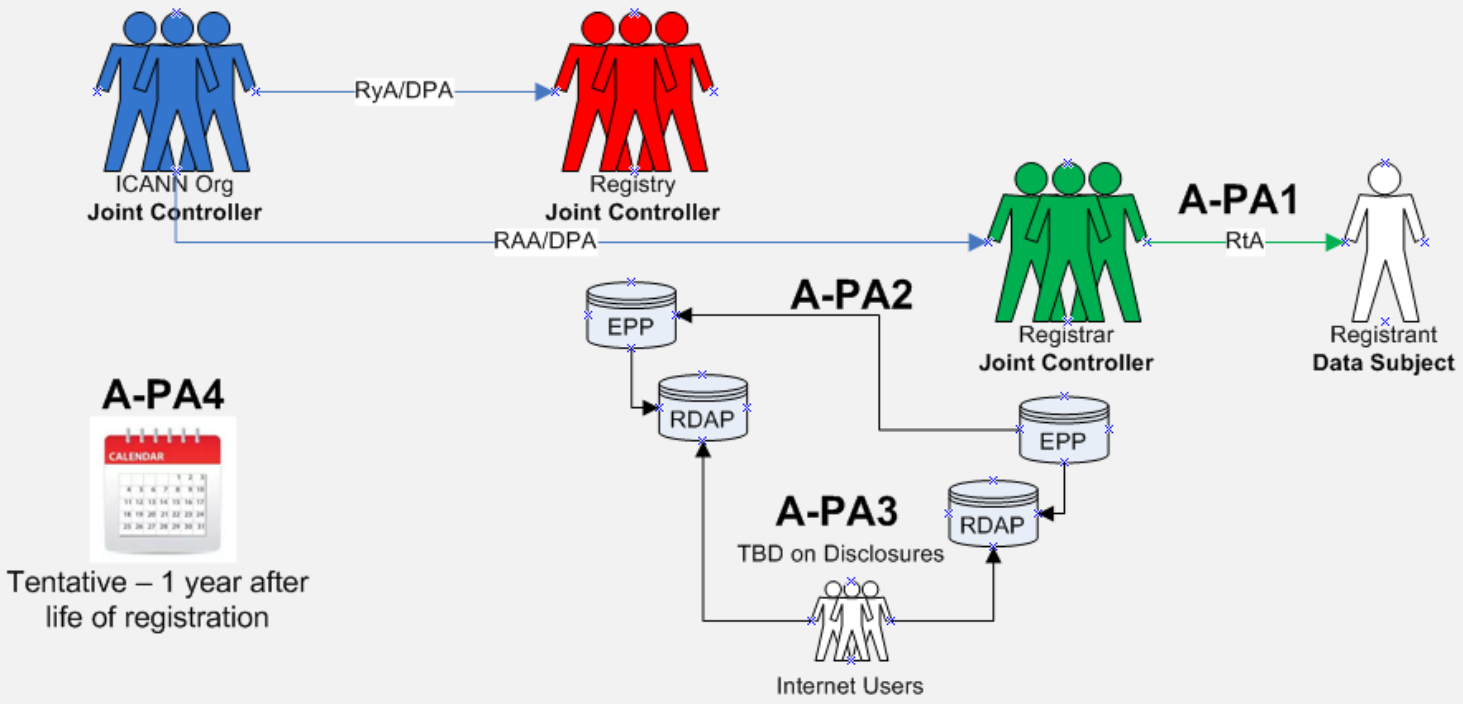
Lawfulness of Processing Test:

Processing Activity:	Responsible Party: (Charter Questions 3k, 3l, 3m)	Lawful Basis: (Is the processing necessary to achieve the purpose?)
A-PA1: Collection of registration data establishing registrant rights and allocating string to registrant (Charter Question 2b)	ICANN – Joint Controller Registrars – Joint Controller Registries – Joint Controllers	6(1)(b) This is a 6(1)(b) purpose because it is necessary to collect registrant data to allocate a string to a registrant. Without collecting minimal registrant data, the contracted party has no way of tracing the string back to registrant and is not able to deliver its side of the contract.
A-PA2: Transmission of registration data from Registrar to Registry (Charter Questions 2c, 2d, 2e, 2i)	ICANN – Joint Controller Registrars – Joint Controller Registries – Joint Controllers	Yes. 6(1)(b) for certain data elements (domain name and nameservers). The Purpose A Small Team agreed there is a 6(1)(b) basis for transferring the data elements of domain name and nameservers. The registry processes (collection, storage and use) the same registration data under Art. 6(1)(f), and a transfer of the registration data from registrar to registry, where the registry operates a "thick whois," is lawful under Art. 6(1)(f) of the GDPR. (Note: some members of the small team requested additional information over the precise definition on registration data in this context.) Full registrant data CAN be requested by the Ry based Art. 6(1)(f); Processing for the purpose of administering the application of a Registry Acceptable Use Policy (AUP) (or equivalent); such processing is considered justifiable under the Art. 6(1)(f) balancing test when considering the nature of the data, the envisaged limited use of the data, and the likelihood of the impact on the privacy rights of the Registered Name Holder when weighed against the safety and integrity of the zone. Eligibility requirements, where validated by the Ry can be a reason for Rr Ry transfer based on Art. 6(1)(b). There are cases where the Ry actually does the validation or lets it do by third party at the Rr level, but that would then still be a Ry responsibility. Where Validation is done by the Rr only and commissioned by the Rr, no data transfer based on 6 I b. [NOTE: The lawful basis small breakout team agreed to the following, but this was not agreed to in plenary: 6(1)(b) This is a 6(1)(b) purpose because transmission of the minimal registration data from the registrar to the registry is necessary to allocate the string to the registrant. 6(1)(f) For additional registration data which is not necessary to technically allocate a string to a registrant, there could be a 6(1)(f) because while it is not necessary to allocate the string to a registrant, there may be

		a legitimate interest in enabling registries to perform checks on patterns of abusive behavior.[1]
A-PA3: Disclosure of registration data (Charter Questions 2f (gating questions), 2j)	ICANN - Controller Registrars - Processor	TBD
A-PA4: Retention of registration data by registrar (Charter Questions 2g, ??)	ICANN - Controller Registrar - Processor	Yes. 6(1)(f) This is a 6(1)(f) purpose because although there is likely a legitimate interest in providing mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a dispute over ownership or an improper transfer, it is not technically necessary to retain the data in order to allocate a string to a registered name holder, and is therefore not necessary to perform the registration contract. At the F2F, the EPDP Team tentatively agreed to a one-year retention period in order to conform to the one-year Statute of Limitations in the Transfer Dispute Resolution Policy. Varies by country. Must go beyond the life of registration for a certain time period, time varies (currently 12 months) . Once the contract is completed, how long you can hold on to the data (without the contract purpose) varies by contract or country. Note: during the dispute resolution section, the group did not agree on the retention timeframe.

[1] Members of the BC and SSAC [add others as appropriate] expressed the view that Purpose A is 6(1)(b) for all processing activities, including registries checking on patterns of abuse as protecting against abuse is considered necessary for performance of a contract.

Data Elements Map:



Data Elements Matrix:

"1" = Required "(1)" = Optional "-" = Not Required or Optional

Data Element	Collection A-PA1	Transmission A-PA2	Disclosure A-PA3	Retention A-PA4	TBD A-PA5	TBD A-PA6
Domain Name	1	1	-	1	-	-
Registry Domain ID	-	-	-	-	-	-
Registrar Whois Server	1	-	-	-	-	-
Registrar URL	1	-	-	-	-	-
Updated Date	1	-	-	-	-	-
Creation Date	1	-	-	-	-	-
Registry Expiry Date	1	-	-	-	-	-
Registrar Registration Expiration Date	1	1	-	1	-	-
Registrar	1	1	-	1	-	-
Registrar IANA ID	1	-	-	-	-	-
Registrar Abuse Contact Email	1	-	-	-	-	-
Registrar Abuse Contact Phone	1	-	-	-	-	-
Reseller	1	1	-	1	-	-
Domain Status	1	-	-	-	-	-
Registry Registrant ID	-	-	-	-	-	-
Registrant Fields						
• Name	1	-	-	1	-	-
• Organization (opt.)	-	-	-	-	-	-
• Street	1	-	-	1	-	-
• City	1	-	-	1	-	-
• State/province	1	-	-	1	-	-

Data Element	Collection A-PA1	Transmission A-PA2	Disclosure A-PA3	Retention A-PA4	TBD A-PA5	TBD A-PA6
• Postal code	1	-	-	1	-	-
• Country	1	-	-	1	-	-
• Phone	1	-	-	1	-	-
• Phone ext (opt.)	-	-	-	-	-	-
• Fax (opt.)	-	-	-	-	-	-
• Fax ext (opt.)	-	-	-	-	-	-
• Email	1	-	-	1	-	-
2nd E-Mail address	-	-	-	-	-	-
Admin ID	-	-	-	-	-	-
Admin Fields						
• Name	1	-	-	-	-	-
• Organization (opt.)	(1)	-	-	-	-	-
• Street	1	-	-	-	-	-
• City	1	-	-	-	-	-
• State/province	(1)	-	-	-	-	-
• Postal code	(1)	-	-	-	-	-
• Country	1	-	-	-	-	-
• Phone	1	-	-	-	-	-
• Phone ext (opt.)	(1)	-	-	-	-	-
• Fax (opt.)	-	-	-	-	-	-
• Fax ext (opt.)	-	-	-	-	-	-
• Email	1	-	-	-	-	-
Tech ID	-	-	-	-	-	-
Tech Fields						
• Name	1	-	-	-	-	-
• Organization (opt.)	(1)	-	-	-	-	-
• Street	1	-	-	-	-	-
• City	1	-	-	-	-	-
• State/province	(1)	-	-	-	-	-
• Postal code	(1)	-	-	-	-	-
• Country	1	-	-	-	-	-
• Phone	1	-	-	-	-	-
• Phone ext (opt.)	(1)	-	-	-	-	-
• Fax (opt.)	-	-	-	-	-	-
• Fax ext (opt.)	-	-	-	-	-	-
• Email	1	-	-	-	-	-
NameServer(s)	1	1	-	-	-	-
DNSSEC	1	-	-	-	-	-
Name Server IP Address	1	-	-	-	-	-
Last Update of Whois Database	1	-	-	-	-	-
Other Data:						
• Field 1	-	-	-	-	-	-
• Field 2	-	-	-	-	-	-

Chain of Custody:

- RAA - https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en

- Temp Spec: Section 4.4.1