

# F

## **ICANN PURPOSE:**

Handle contractual compliance monitoring requests, audits, and complaints submitted by Registry Operators, Registrars, Registered Name Holders, and other Internet users.

(Purposes by Actor (F))(TempSpec - 4.4.13, 5.7, Appx C)

### **Purpose Rationale:**

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

Yes, 6(1)(f)

If a contractual compliance complaint is filed, the complainant provides certain information regarding the issue, which may contain personal data. Depending on the nature of the issue, ICANN Compliance may ask the registrar or registry operator for the minimum data needed to investigate the complaint. Compliance may also look at the public WHOIS to supplement its review or processing.

For ICANN Contractual Compliance audits, ICANN sends audit questionnaires to registry operators and registrars. In responding to the questionnaire, the registry operator and registrar could include personal data in its responses.

Also, as part of registry operator audits, ICANN Contractual Compliance requests escrowed data to cross-reference information between data escrow and zone file and bulk registration data access for a sample of 25 domain names to ensure consistency.

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

No.

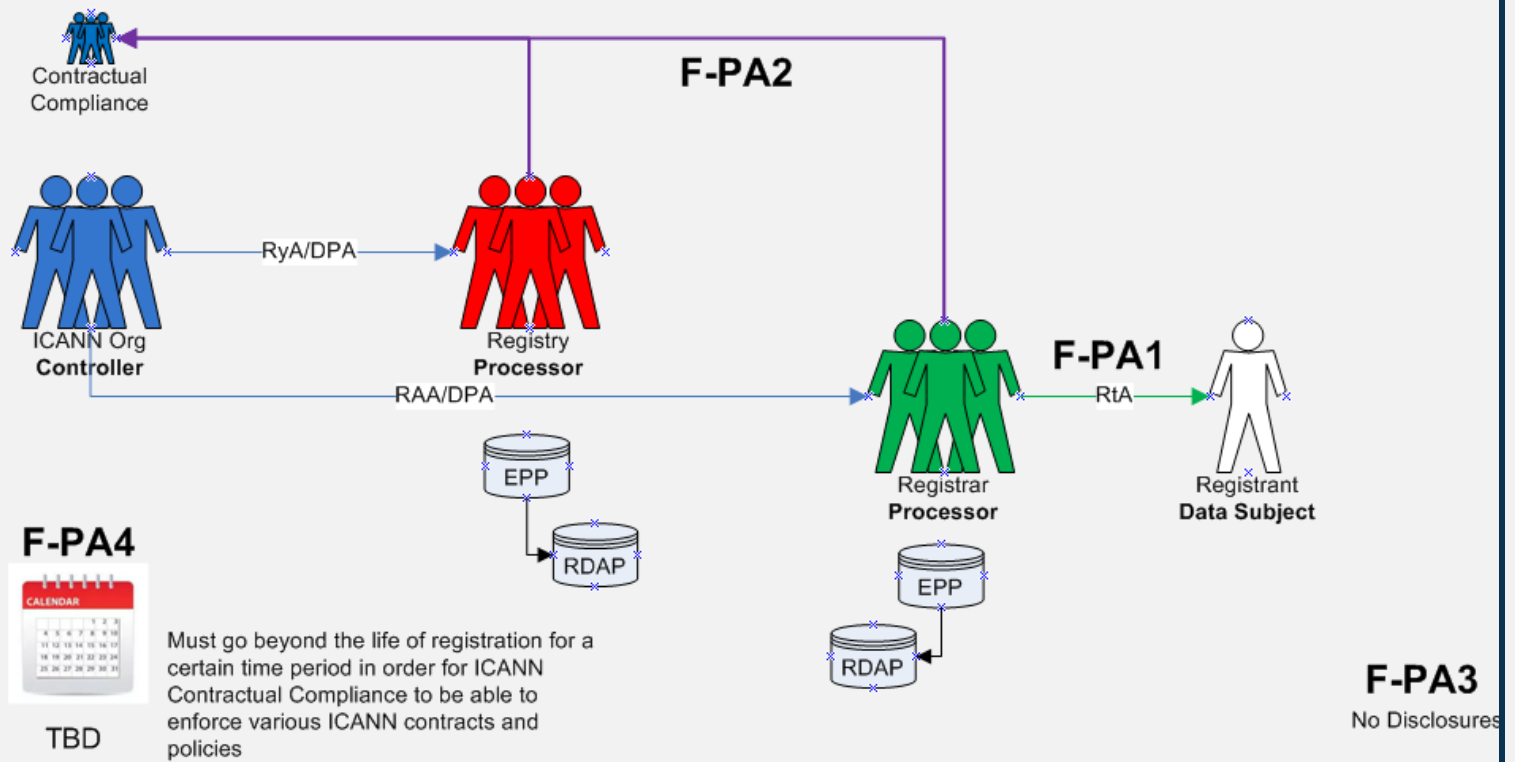
#### **3) Are there any "picket fence" considerations related to this purpose?**

No

## Lawfulness of Processing Test:

| Processing Activity:   | Responsible Party:<br>(Charter Questions<br>3k, 3l, 3m)                         | Lawful Basis: (Is the processing necessary to achieve the purpose?)   |
|--|---|---|
| <p><b>F-PA1:</b> Collection of registration data for compliance with ICANN contracts</p> <p>(Charter Question 2b)</p>    | <p>ICANN – Controller<br/>Registries - Processor<br/>Registrars - Processor</p> | <p>6(1)(f)</p> <p>This is a 6(1)(f) purpose because although there may be a legitimate interest in collecting registration data for ICANN org compliance to confirm compliance with the RAA/RA, this collection is not technically necessary to perform the registration contract.</p> <p>[The BC and IPC [add others as appropriate] disagree that Purpose F is a 6(1)(f) purpose. The Team tentatively agreed to the following: (a) 6(1)(f) is an appropriate legal basis for the compliance purpose; (b) Some (BC and IPC [add others as appropriate]) believe Purpose F may be a 6(1)(b); (c) There are concerns that 6(1)(f) may cause issues where the controller determines that the privacy rights outweigh the legitimate interest and therefore data cannot be provided.]</p> |
| <p><b>F-PA2:</b> Transmission of registration data to ICANN org compliance</p> <p>(Charter Questions 2c, 2d, 2e, 2i)</p> | <p>ICANN – Controller<br/>Registries - Processor<br/>Registrars - Processor</p> | <p>6(1)(f)</p> <p>This is a 6(1)(f) purpose because although there may be a legitimate interest in transmitting registration data to ICANN org compliance to confirm compliance with the RAA/RA, this transmission is not technically necessary to perform the registration contract.</p>   |
| <p><b>F-PA3:</b> Disclosure of</p> <p>(Charter Questions 2f (gating questions), 2j)</p>                                  | <p>N/A</p>  | <p>N/A</p>  |
| <p><b>F-PA4:</b> Retention of registration data by ICANN Compliance</p> <p>(Charter Questions 2g, ??)</p>                | <p>ICANN - Controller</p>   | <p>Must go beyond the life of registration for a certain time period in order for ICANN Contractual Compliance to be able to enforce various ICANN contracts and policies.</p>  |

## Data Elements Map:



## Data Elements Matrix:

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

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

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

<sup>1</sup> To be updated in line with what is decided for Purpose C – if this information is optional to provide, in those cases where it is provided, Compliance will need to be able to request those data fields if relevant for compliance requests.

<sup>2</sup> Idem.

| Data Element | Collection<br>F-PA1 | Transmission<br>F-PA2 | Disclosure<br>F-PA3 | Retention<br>F-PA4 | TBD<br>F-PA5 | TBD<br>F-PA6 |
|--------------|---------------------|-----------------------|---------------------|--------------------|--------------|--------------|
| • Field 2    | -                   | -                     | -                   | -                  | -            | -            |

Chain of Custody:

- RAA - <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en>
- RA - <https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.html>
- Temp Spec: Sections 4.4.13, 5.7, Appx C