# 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: (Charter Questions 3k, 3l, 3m) | Lawful Basis: (Is the processing necessary to achieve the purpose?) |
|---|---|---|
| **F-PA1:** Collection of registration data for compliance with ICANN contracts<br><br>(Charter Question 2b) | ICANN – Controller<br>Registries - Processor<br>Registrars - Processor | 6(1)(f)<br><br>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.<br><br>[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.] |
| **F-PA2:** Transmission of registration data to ICANN org compliance<br><br>(Charter Questions 2c, 2d, 2e, 2i) | ICANN – Controller<br>Registries - Processor<br>Registrars - Processor | 6(1)(f)<br><br>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. |
| **F-PA3:** Disclosure of<br><br>(Charter Questions 2f (gating questions), 2j) | N/A | N/A |
| **F-PA4:** Retention of registration data by ICANN Compliance<br><br>(Charter Questions 2g, ??) | ICANN - Controller | 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. |

**Commented [BC5]:** 26 Sep – Lawful basis small team in LA.

**Commented [BC6]:** Added by BC/IPC 10 Oct.

**Commented [BC7]:** 26 Sep – Lawful basis small team in LA.

**Commented [BC9]:** Suggested by staff.

**Commented [BC8]:** Suggested by staff.

**Commented [BC10]:** Submitted by Contractual Compliance from 26 Sept via v0.4.5, Question #8

**Commented [MK11]:** Input from Compliance: "Upon conducting a manual review of a limited number of complaints processed by ICANN Contractual Compliance, the team found examples of complaints regarding domain names that had been deleted or transferred from a prior registrar in the following time periods before the complaints were filed with ICANN: over 6 months, 22 months, 2 years, 3 years, 4 years, 5 years and 9 years. In all examples, the registrars were able to provide the information and data that was subject to the Registrar Accreditation Agreement's two year data retention requirement and requested by ICANN Contractual Compliance. These complaints appeared in a variety of complaint types, including domain renewal, transfer and UDRP.

There is no date limit regarding a registration's deletion or transfer for purposes of ICANN accepting a complaint or conducting an audit. However, in the processing of complaints and audits, ICANN does not require contracted parties to demonstrate compliance via provision of data that is not required to be retained beyond the period defined by the ICANN agreements and policies (or waiver, if applicable). As noted above in response to item #2, there is at least one example of a complaint being filed with ICANN Contractual Compliance over nine years after the domain name was transferred from the registrar which was the subject of the complaint.

## Data Elements Map:
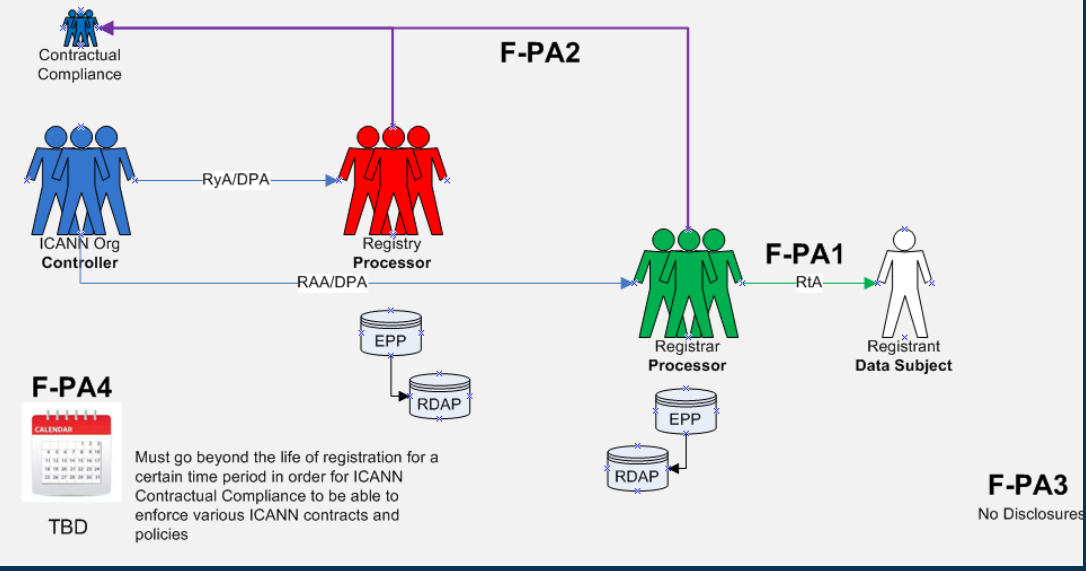


## Data Elements Matrix:
"1" = Required  "(1)" = Optional  "-" = Not Required or Optional

| Data Element | Collection F-PA1 | Transmission F-PA2 | Disclosure F-PA3 | Retention F-PA4 | TBD F-PA5 | TBD 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 F-PA1 | Transmission F-PA2 | Disclosure F-PA3 | Retention F-PA4 | TBD F-PA5 | TBD 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[1] | | | | | | |
| • 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[2] | | | | | | |
| • 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 | - | - | - | - | - | - |

**Commented [BC12]:** Can be deleted after confirmed

**Commented [MK16]:** Input from Compliance: Registration data regarding Admin and Tech contacts is required to be collected, stored and displayed by the ICANN agreements. Additionally, there are other policies which may require action by the contracted parties with respect to these contacts (e.g., the Whois Data Reminder Policy and the Transfer Policy). Therefore, in enforcing these agreements and policies, ICANN Contractual Compliance requests and processes this data. [Note, these requirements may change as a result of the EPDP Team's work so any existing requirements may need to be updated accordingly].

Also note ICANN Org response: Administrative and technical contact information is currently referenced in the following ICANN policies and procedures:

• Registry Registration Data Directory Services Consistent Labeling and Display Policy. Output requirements for administrative and technical contact information.
• Thick WHOIS Transition Policy for .COM, .NET, .JOBS. Guidance to registry operators for handling output of administrative and technical contact information where no data exists in the SRS during the period when registrars begin sending Thick WHOIS data to registry operators for all new registrations.
• Rules for Uniform Domain Name Dispute Resolution Policy. Notifications of complaints include administrative and technical contacts information.
• WHOIS Data Reminder Policy. WDRP notices may be presented to the registrant either directly or through the administrative contact.
• Transfer Policy. Administrative contact along with the registered name holder have the authority to approve or deny a transfer request. Because of this role, the administrative contact is referenced in parts of the transfer process as well as in the Registrar Transfer Dispute Resolution Policy.
• Uniform Rapid Suspension System (URS) Rules. Notifications of complaints include administrative and technical contacts information.

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

Commented [BC12]: Can be deleted after confirmed

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