M

ICANN PURPOSE:

Coordinate the development and implementation of policies for resolution of disputesdisputes2 regarding the registration of domain names

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

Purpose Rationale:

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

Yes.

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.

[Rights Protection Mechanisms (RPMs) provisions exist within both the Registry and Registrar agreements as connected to ICANN Bylaws. This purpose is connected to Rights Protection Mechanisms of Uniform Dispute Resolution Mechanism (UDRP) and Uniform Rapid Suspension (URS), but it does not preclude RPMs that could be created or modified in the future. The]

[RDDRP, PDDRP and PICDRP RPMs were also considered whether they should be connected to this purpose. However, it was determined that these RPMs do not involve registration data.]

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

No.

ICANN bylaws, Section 1.1(a)(i), as a part of "Mission" refer to Annexes G1 and G2. Annex G-1 contains a provision for Registrars, "resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names, but including where such policies take into account use of the domain names);". Annex G-2 also contains, "resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names); or".

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

No.

[RPMs are considered within the picket fence for the development of consensus policies. As it relates to the disclosure of registration data to RPM Providers and Complainants, existing policy, rules and procedures around the URS and UDRP do not specify how registration data is obtained. The Temp Spec (Appendix D & E) now makes reference to who an RPM provider must contact based on Thick or Thin RDS to obtain registration data for the complaint.]

Lawfulness of Processing Test:

Processing Activity:	Responsible Party: (Charter Questions 3k, 3l, 3m)	Lawful Basis: (Is the processing necessary to achieve the purpose?)
M-PA1: Collection of registration data to implement the (UDRP, URS) (Charter Question 2b)	Registrars - Processor	6(1)(b) This is a 6(1)(b) purpose because it is necessary to collect registration data in order to facilitate/implement a UDRP or URS decision. For example, in the case of a UDRP/URS proceeding, the registrant must agree to be bound by the UDRP/URS in order to register a domain name, so the collection of data for this purpose is necessary to fulfill the registration agreement.
	ICANN – Controller	6(1)(f) ICANN and Registries do not have a direct contract with the registrant. Registries: in order to give effect to agreed to and contractually bound RPMs, the registry must process data to play it's part in the implementation of the RPMs (A DPIA must be carried out regarding each of the RPMs and the data required)
M-PA2: Transmission of Transmission of registration data from registrar to registry (Charter Questions 2c, 2d, 2e, 2i)	Registrars – Processor	Yes. 6(1)(b) Art 6.1 (b) / URS, UDRP: Yes – all data is transferred to dispute resolution provider and to registry Question for compliance: does data need to be transferred to registries for UDRP?
	ICANN - Controller Registries - Processor	6(1)(f) ICANN and Registries do not have a direct contract with the registrant. Registries: in order to give effect to agreed to and contractually bound RPMs, the registry must process data to play it's part in the implementation of the RPMs (A DPIA must be carried out regarding each of the RPMs and the data required)
M-PA3: Transmission of registration data to dispute resolution provider (Charter Questions 2c, 2d, 2e, 2i)	ICANN - Controller Registries - Processor Registrars – Processor Dispute Resolution Provider – Processor	6(1)(f) This is a 6(1)(f) purpose because although there may be a legitimate interest in transmitting registration data to dispute resolution providers, this transmission is not technically necessary to perform the registration contract.
M-PA4: Disclosure of		

(Charter Questions 2f (gating questions), 2j)		Data to be published in a freely accessible directory - Domain Name - Registrar Whois Server - Registrar URL - Updated Date - Creation Date - Registry Expiry Date - Registrar Registration Expiration Date - Registrar - Registrar IANA ID - Registrar Abuse Contact Email - Registrar Abuse Contact Phone - Reseller - Domain Status Should there be any changes made to the registrant data that is required to be redacted? No Under what circumstances should third parties be permitted to contact the registrant? Already covered by UDRP and URS providers as being third parties.
M-PA5: Retention of (Charter Questions 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.

Data Elements Map:
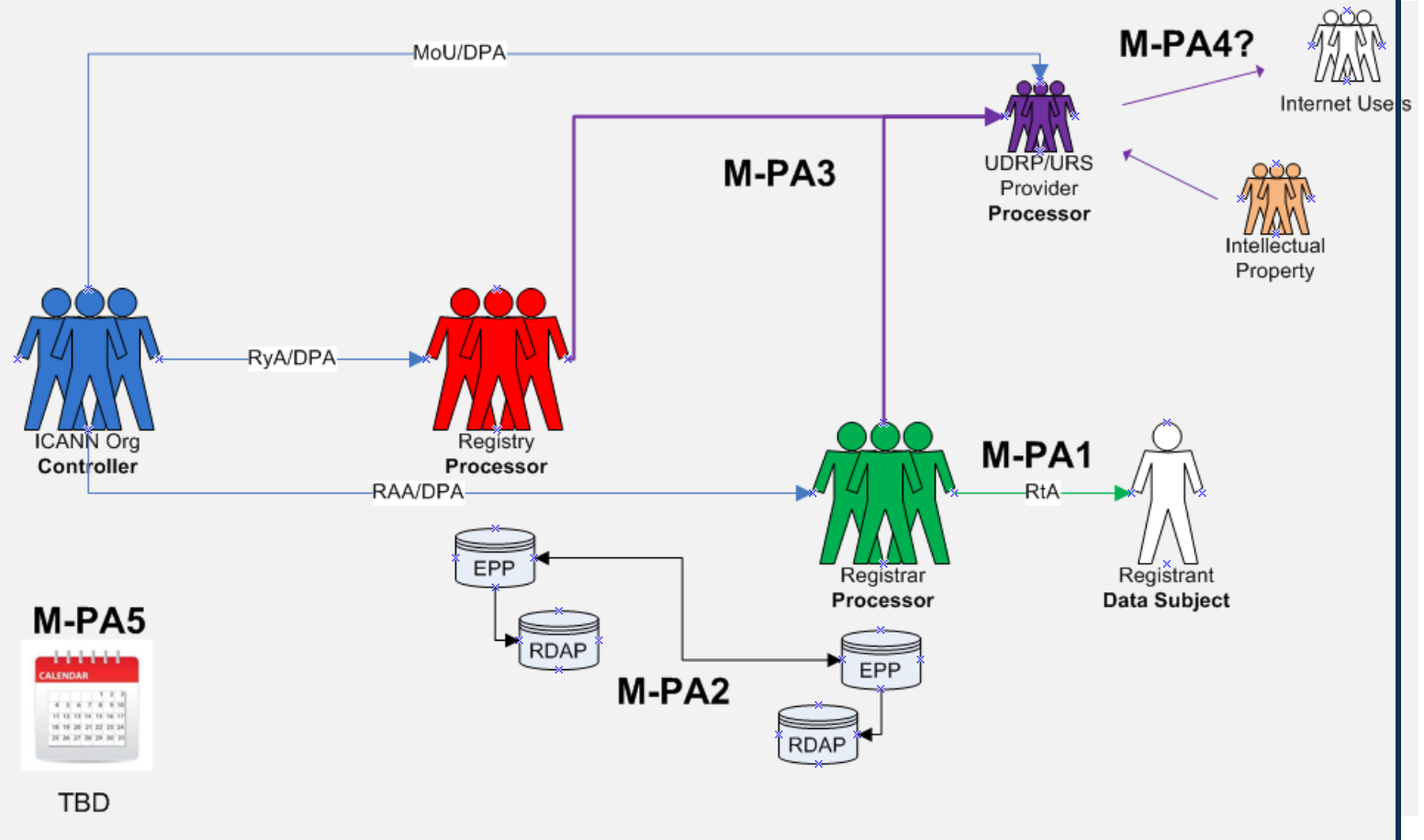
Data Elements Matrix:

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

Data Element	Collection M-PA1	Transmission M-PA2	Transmission M-PA3	Disclosure M-PA4	Retention M-PA5	TBD M-PA6
Domain Name	1	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	-	-	-	-	-	-

Data Element	Collection M-PA1	Transmission M-PA2	Transmission M-PA3	Disclosure M-PA4	Retention M-PA5	TBD M-PA6
Registrant Fields						
• Name	1	1	1	1	-	-
• Organization (opt.)	(1)	(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	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						
• Name	-	-	-	-	-	-
• Organization (opt.)	-	-	-	-	-	-
• Street	-	-	-	-	-	-
• City	-	-	-	-	-	-
• State/province	-	-	-	-	-	-
• Postal code	-	-	-	-	-	-
• Country	-	-	-	-	-	-
• Phone	-	-	-	-	-	-
• Phone ext (opt.)	-	-	-	-	-	-
• Fax (opt.)	-	-	-	-	-	-
• Fax ext (opt.)	-	-	-	-	-	-
• Email	-	-	-	-	-	-
Tech ID	-	-	-	-	-	-
Tech Fields						
• Name	-	-	-	-	-	-
• Organization (opt.)	-	-	-	-	-	-
• Street	-	-	-	-	-	-
• City	-	-	-	-	-	-
• State/province	-	-	-	-	-	-
• Postal code	-	-	-	-	-	-
• Country	-	-	-	-	-	-
• Phone	-	-	-	-	-	-
• Phone ext (opt.)	-	-	-	-	-	-
• Fax (opt.)	-	-	-	-	-	-
• Fax ext (opt.)	-	-	-	-	-	-
• Email	-	-	-	-	-	-
NameServer(s)	-	-	-	-	-	TBD

Data Element	Collection M-PA1	Transmission M-PA2	Transmission M-PA3	Disclosure M-PA4	Retention M-PA5	TBD M-PA6
DNSSEC	-	-	-	-	-	-
Name Server IP Address	-	-	-	-	-	-
Last Update of Whois Database	-	-	-	-	-	-
Other Data:						
• Field 1	-	-	-	-	-	-
• Field 2	-	-	-	-	-	-

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
  - Spec 7
- Temp Spec: Sections URS-4.4.12, 5.6, Appx D; UDRP-Appx E