

## Topic list – Items remaining to be discussed – 25 November 2018

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The table below provides an overview of the topics requiring further discussion before publishing of the Final Report. Some of these topics were identified as requiring further discussion in the Initial Report, others were flagged by EPDP Team members / groups. Some of these topics may require closing of the public comment period to be able to assess and factor in community input, for others the EPDP Team could already deliberate and agree on a path forward, which could be reconfirmed after the closing of the public comment period.

### Schedule of Meetings going forward:

Meeting #30 – 27 November 2018  
 Meeting #31 – 4 December 2018  
 Meeting #32 – 6 December 2018  
 Meeting #33 – 11 December 2018  
 Meeting #34 – 13 December 2018  
 Meeting #35 – 18 December 2018  
 Meeting #36 – 20 December 2018

22 December – 2 January – review of public comments. Consider having small team of volunteers review public comments by section / parts and develop proposed EPDP Team response as well as recommended changes to Initial Report, if deemed appropriate, for EPDP Team consideration?

Meeting #37 – 3 January 2019  
 Meeting #38 – 8 January 2019  
 Meeting #39 – 10 January 2019  
 F2F Meeting – 16 – 18 January 2019

	Topic / Issue (flagged by)	Information needed to address this issue	Where / how currently covered in Initial Report	Discuss during meeting #	Proposed approach for addressing this issue in the Final Report and/or next steps
1.	<b>Recommendation 1 -</b> Regarding Purpose 6 under recommendation #1, ICANN org would like to remind the EPDP		Preliminary Recommendation #1 – Purpose 6.		Possible way to address this comment, update language to read: “coordinating policies concerning ICANN’s dispute resolution

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	Team of a <a href="#">comment</a> that ICANN org previously provided on this purpose: “[T]he current wording of Purpose M states: “coordinating the development and implementation of policies concerning ICANN’s dispute resolution processes in the context of domain name registrations.” It is unclear how developing and implementation of policy would involve processing of gTLD registration data or personal data.” (ICANN Org Liaisons)				processes....” (removing developing and implementation)
2.	<b>Recommendation 5 -</b> Is the transfer referenced in this recommendation for thick registries only? What is the linkage/impact of this recommendation to the Thick policy? (ICANN Org Liaisons)	Recommendations currently do not differentiate between requirements for thin or thick registries.	Preliminary Recommendation #5		
3.	<b>Recommendation 6 -</b> Item #3 under this recommendation seems to imply a simple controller/processor relationship. ICANN org would like to inform the EPDP Team that currently, data escrow agreement arrangements are complex. Some are 3-way agreements between ICANN, the data escrow provider, and registrars; some are two-way agreements between registrars and data escrow providers. Additionally, some data escrow providers believe that they are controllers, some do not. ICANN org		Preliminary Recommendation #6		

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	will provide a more fulsome background on the data escrow agreement arrangements to inform future EPDP discussions on this topic. (ICANN Org Liaisons)				
4.	<b>Recommendation 18 -</b> This recommendation seems to imply a simple controller/processor relationship. It is possible that dispute resolution service providers are themselves controllers. Additional discussions and analyses may be needed on this topic. (ICANN Org Liaisons)		Preliminary Recommendation #18		
5.	<b>Footnote 13/43 -</b> ICANN Org raised a number of implementation related questions (see <a href="https://mm.icann.org/pipermail/gnso-epdp-team/2018-November/000961.html">https://mm.icann.org/pipermail/gnso-epdp-team/2018-November/000961.html</a> ) that the EPDP Team will further consider as it prepares its Final Report. (ICANN Org Liaisons)		Footnote 13/43		
6.	<b>Footnote 4 -</b> <i>The topic of accuracy as related to GDPR compliance is expected to be considered further, as well as the WHOIS Accuracy Reporting System.</i> (Initial Report)	What is exactly expected to be considered further and where does this fit within the EPDP Team Charter?	Footnote 4 / 22		
7.	<b>Preliminary Recommendation #4:</b> <i>the EPDP Team is still considering whether optional also means optional for the registrar to offer the ability to the Registered Name Holder to</i>		Preliminary Rec #4		

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	<p><i>provide these data elements, or whether it would be required for the registrar to offer this ability).</i> (Initial Report)</p> <p>Also, it should be noted that the optional data is optional for collection, however if it was provided in the first place it is required to be transferred. (ALAC) – confirm that this is a correct assumption</p>				
8.	<b>Preliminary Recommendation #8</b> – <i>Whether to redact of Org</i> (Initial Report)	Input from EDPB on liability question	Preliminary Rec #8		
9.	Lawful Basis – when to apply 6(1)(b) vs. 6(1)(f) (Initial Report)	Input from EDPB	Preliminary Rec #14		
10.	Legal vs. Natural persons (Initial Report)	Community input Input from EDPB on liability question	Charter Question h3-h5, page 49-53 (pdf version)		
11.	Geographic basis (Initial Report)		Charter Question h1-h2, page 47-49 (pdf version)		
12.	Policy Change Impact Analysis (Initial Report)	Input during public comment period on metrics	Page 71-72 (pdf version)		
13.	Address different ‘TBCs’ in data elements workbooks				
14.	ALAC, BC, and IPC proposed to consider a Purpose for Processing Registration Data to address the needs and benefits provided by	Input during public comment period	Page 30-31 (pdf version)		

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	<p>DNS security and stability research through publication of reports on threats to the operational stability, reliability, security, global interoperability, resilience, and openness of the DNS. The EPDP Team did not have sufficient time to discuss this proposed Purpose before publication of the Initial Report. The EPDP Team seeks community and ICANN Org input on whether the Purposes agreed upon by the EPDP Team, such as Purpose 2, already encompass this proposed purpose and, if not, whether this proposed purpose should be added (if so, provide a rationale for doing so, keeping in mind compliance with GDPR). (Initial Report)</p>				