

Treatment of Optional Data Fields

Current Situation: The following data elements are currently identified as being optional in the Initial Report:

Registrant fields

1. Organization
2. Phone Ext.
3. Fax
4. Fax Ext.

Tech Contact fields

5. Name
6. Phone
7. Email

“Other” fields

8. DNSSEC
9. Additional optional data elements as identified by Registry Operator in its registration policy

The EPDP concluded that each of these fields should be:

- (1) Optional for the registrant to complete or leave blank, and
- (2) Required for the registrar to offer, except for the case of the Tech Contact fields where the EPDP Team is still considering whether optional also means optional for the registrar to offer the ability to the Registered Name Holder to provide these data elements, or whether it would be required for the registrar to offer this ability.

Tech Fields

In relation to the tech fields, specific concerns have been expressed in relation to third-party information being processed and uncertainty regarding consent requirements and potential liability might attach should a registrar be required to offer this field as an option to a Registered Name Holder.

Recent EDPB advice indicates that the third-party contact be “notified” that her/his personal data was being disclosed, from which it might be inferred that consent is not required for registrar processing of this personal data and that the potential liability for processing this data is thereby mitigated.

It was also recognized by the EPDP Team that a substantial minority of Registered Name Holders desire a Tech Contact field and that most large registrars would continue to offer this optional field.

As such, it is recommended that:

- (1) For the time being, the Tech Contact fields be optional for registrars to offer, and
- (2) Seek legal clarification as to whether the EDPB requirement for “notification” obviates the consent requirement and potential liability, in which case, the Tech Contact field can be required of all accredited registrars.

Organization

It is settled that registrars will be required to continue to offer this field and it is optional as to whether the field is completed.

The EPDP Team is not settled on whether or not to redact this field. The EPDP Team also noted that GDPR does not apply to legal persons; however, there is confusion among many RNHs regarding what information is expected to be provided in the organization field. As a result, some RNHs provide personal information in the organization field.

Possible compromise approach:

- Registrars are required to provide guidance to the Registered Name Holder concerning the organization field to avoid the RNH provision of personal information within the organization field.
- For the time being, the Registrar may redact the Organization Field but the EPDP will seek legal advice on whether “guidance” to the Registered Name Holder will obviate legal liability in the event that the Registered Name Holder publishes personal data in the Organization Field.
- Alternatively, the Registrar could be required to offer the Registered Name Holder the option to have the organization field redacted in the freely accessible directory. If the RNH does not affirmatively confirm that the organization field info should be redacted, it would be published in the freely accessible directory.

Registrar-Registry Data Transfer

If data elements are optionally provided by the RNH, in what cases is this information required to be transferred to the Registry Operator for the relevant purposes for which this data element has been identified?