

Addendum to: Initial Report of the Temporary Specification for gTLD Registration Data Phase 2 Expedited Policy Development Process

26 March 2020

Status of This Document

This is the addendum to the Initial Recommendations Report of the GNSO Expedited Policy Development Process (EPDP) Team on the Temporary Specification for gTLD Registration Data Phase 2 that has been posted for public comment.

Preamble

The objective of this addendum to the Initial Report is to document the EPDP Team's: (i) deliberations on priority 2 charter questions, (ii) preliminary recommendations, and (iii) additional identified issues to consider before the Team issues its Final Report. The EPDP Team will produce its Final Report after its review of the public comments received in response to this addendum. The EPDP Team will submit its Final Report to the GNSO Council for its consideration.

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1 Executive Summary

1.1 Background

The scope for the EPDP Phase 2 includes (i) discussion of a system for standardized access/disclosure to nonpublic registration data, (ii) issues noted in the [Annex to the Temporary Specification for gTLD Registration Data](#) (“Important Issues for Further Community Action”), and (iii) issues deferred from Phase 1, e.g., legal vs natural persons, redaction of city field, et. al. For further details, please see [here](#)¹.

In order to manage its time efficiently, the EPDP Team divided these topics into priority 1 and priority 2 items. Priority 1 items consisted of addressing the questions and developing recommendations in relation to the System for Standardized Access / Disclosure to non-public registration data (SSAD), and priority 2 items included the following the following topics:

- Display of information of affiliated vs. accredited privacy / proxy providers
- Legal vs. natural persons
- City field redaction
- Data retention
- Potential Purpose for ICANN’s Office of the Chief Technology Officer
- Feasibility of unique contacts to have a uniform anonymized email address
- Accuracy and WHOIS Accuracy Reporting System
- Purpose 2

For further information on the priority 2 items, please see the relevant worksheets which can be found [here](#)².

As a result of external dependencies and time constraints, the Initial Report did not include any priority 2 items. However, subsequent to the publication of the Initial Report, the EPDP Team turned its attention to the priority 2 items, which have been documented in this addendum.

¹ [https://community.icann.org/download/attachments/105388008/EPDP Team Phase 2 - upd 10 March 2019.pdf?version=1&modificationDate=1556060745000&api=v2](https://community.icann.org/download/attachments/105388008/EPDP%20Team%20Phase%20-%20upd%2010%20March%202019.pdf?version=1&modificationDate=1556060745000&api=v2)

² <https://community.icann.org/x/5oaGBg>

1.2 Preliminary Recommendations and Conclusions Priority 2 items

Preliminary Recommendation #20. Display of information of affiliated vs. accredited privacy / proxy providers

In the case of a domain name registration where an accredited privacy/proxy service is used, e.g., where data associated with a natural person is masked, Registrar (and Registry, where applicable) MUST include the full RDDS data of the accredited privacy/proxy service in response to an RDDS query. The full privacy/proxy RDDS data may include a pseudonymized email.

Preliminary Conclusion – Legal vs. Natural Persons

There is a persistent divergence of opinion on if/how to address this topic within the EPDP Team. As a result, the EPDP Team will consult with the GNSO Council on potential next steps.

Preliminary Conclusion – City Field Redaction

No changes are recommended to the EPDP Phase 1 recommendation that redaction must be applied to the city field.

Preliminary Recommendation #21. Data Retention

The EPDP Team confirms its recommendation from phase 1 that registrars be required to retain only those data elements deemed necessary for the purposes of the TDRP, for a period of fifteen months following the life of the registration plus three months to implement the deletion, i.e., 18 months. This retention is grounded on the stated policy stipulation within the TDRP that claims under the policy may only be raised for a period of 12 months after the alleged breach (FN: see TDRP section 2.2) of the Transfer Policy (FN: see Section 1.15 of TDRP). For clarity, this does not prevent requestors, including ICANN Compliance, from requesting disclosure of these retained data elements for purposes other than TDRP, but disclosure of those will be subject to relevant data protection laws, e.g., does a lawful basis for disclosure exist. For the avoidance of doubt, this retention period does not restrict the ability of registries and registrars to retain data elements for longer periods.

Preliminary Conclusion – OCTO Purpose

Having considered this input, most members of the EPDP Team agreed that at this stage, there is no need to propose an additional purpose(s) to facilitate ICANN's Office of the Chief Technology Officer (OCTO) in carrying out its mission. Most also agreed that the EPDP Team's decision to refrain from proposing an additional purpose(s) would not prevent ICANN org and/or the community from identifying additional purposes to support unidentified future activities that may require access to non-public registration data.

Preliminary Conclusion - Feasibility of unique contacts to have a uniform anonymized email address

The EPDP Team received [legal guidance](#)³ noting that the publication of uniform masked email addresses results in the publication of personal data; therefore, wide publication of uniform masked email addresses is not currently feasible under the GDPR.

Preliminary Conclusion – Accuracy and Whois Accuracy Reporting System

Per the instructions from the GNSO Council, the EPDP Team will not consider this topic further; instead, the GNSO Council is expected to form a scoping team to further explore the issues in relation to accuracy and ARS to help inform a decision on appropriate next steps to address potential issues identified.

Preliminary Recommendation #22. Purpose 2

The EPDP Team recommends the following purpose be added to the Phase 1 purposes⁴, which form the basis of the new ICANN policy:

- Contribute to the maintenance of the security, stability, and resiliency of the Domain Name System in accordance with ICANN's mission.

1.3 Conclusions and Next Steps

This addendum to the Initial Report will be posted for public comment for 40 days. After the EPDP Team's review of public comments received on this Report and its Initial Report, the EPDP Team will update its Final Report and include priority 2 items, where appropriate, prior to submitting the Final Report to the GNSO Council.

1.4 Other Relevant Sections

For a complete review of the issues and relevant interactions of this EPDP Team, please review the following sections which are included in the [Initial Report](#)⁵:

- Documentation of who participated in the EPDP Team's deliberations, including attendance records, and links to Statements of Interest as applicable;
- An annex that includes the EPDP Team's mandate as defined in the Charter adopted by the GNSO Council; and
- Documentation on the solicitation of community input through formal SO/AC and SG/C channels, including responses.

³ <https://community.icann.org/display/EOTSFGRD/EPDP+-P2+Legal+subteam?preview=/111388744/126424478/Memo%20-%20ICANN%20-%2004.02.2020.docx>

⁴ See EPDP Phase 1 Final Report, recommendation #1 – this concerns an ICANN Purpose for processing gTLD Registration Data - <https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf>

⁵ <https://gnso.icann.org/en/issues/epdp-phase-2-initial-07feb20-en.pdf>