Expedited Policy Development Process: Temporary Specification for gTLD Registration Data - Phase 2 & Phase 2A

WHAT CAN I EXPECT AT ICANN73 IN RELATION TO THIS TOPIC?

Both the EPDP Phase 2 Team and Phase 2A Team have completed their work and therefore will not be meeting at ICANN73.

WHAT IS THIS ABOUT?

On 17 May 2018, the ICANN Board approved the Temporary Specification for generic top-level domain (gTLD) Registration Data to allow contracted parties to comply simultaneously with existing ICANN contractual requirements and the European Union's General Data Protection Regulation (GDPR). This Board action triggered the GNSO Council's initiation of a PDP on 19 July 2018. The PDP was conducted in two phases: Phase 1 aimed to confirm, or not, the Temporary Specification by 25 May 2019; Phase 2 discussed, among other elements, a standardized access model to nonpublic registration data. Phase 2A discussed the differentiation of legal and natural persons' registration data and the potential feasibility of unique contacts having a uniform anonymized email address. **Learn More**

WHAT IS THE CURRENT STATUS OF THIS PROJECT?
Phase 2

The GNSO Council approved the **Phase 2 Final Report** during its meeting on 24 September 2020 by supermajority vote. The Final Report details the EPDP Team's recommendations for a System for Standardized Access/Disclosure (SSAD) to nonpublic gTLD registration data, as well as recommendations and conclusions for the so-called "Priority 2" topics that include data retention, city field redaction, etc.

As part of its approval, the GNSO Council agreed to request a consultation with the ICANN Board. The purpose of the consultation is to discuss the financial sustainability of the SSAD and some of the concerns expressed within the different minority statements. Those issues include whether a further cost-benefit analysis should be conducted before the ICANN Board considers all SSAD-related recommendations for adoption. During ICANN70, the Board directed the ICANN org to initiate an Operational Design Phase (ODP) for the SSAD-related

recommendations, and the ICANN org delivered the Operational Design Assessment (ODA) to the ICANN Board on 25 January 2022. For more information on the SSAD ODP, please visit the following **page**.

With respect to the aforementioned Priority 2 topics (recommendations not related to the SSAD), the Board **adopted** the four Priority 2 recommendations during its meeting on 21 June 2021.

Phase 2A

Following the request from some EPDP Team members, the GNSO Council asked the EPDP Team to continue its work on two topics: 1) the differentiation of legal vs. natural persons' registration data and 2) the feasibility of unique contacts to have a uniform anonymized email address.

The EPDP Team submitted its **Final Report** to the GNSO Council on 3 September 2021. The Final Report contains three recommendations related to the differentiation of legal vs. natural persons, including: (i) the mandatory creation of a new RDDS field(s) that allows, but does not require, registrars to designate between natural vs. legal persons and personal vs. non-personal data; (ii) optional guidance for registrars who choose to differentiate between legal and natural persons; and (iii) a recommendation that if the ICANN org develops a GDPR Article 40 Code of Conduct, the above-referenced guidance would need to be considered in its development. The Final Report also contains one recommendation related to the unique contacts topic, namely that registrars who choose to publish a pseudonymized contact consider following the appended guidance from Bird & Bird and relevant data protection authorities.

WHAT ARE THE EXPECTED NEXT STEPS?

For Phase 2, the ICANN Board is expected to consider the SSAD-related recommendations following its review of the Operational Design Assessment (ODA). The ICANN org delivered the ODA to the Board on 25 January 2022. The Board and GNSO Council are in the process of thoroughly reviewing the ODA, and, following their respective reviews, the Board will further consult with the GNSO Council regarding the Council's aforementioned concerns on the financial sustainability of the SSAD.

For Phase 2A, the GNSO Council **approved** the policy recommendations on 27 October 2021. Following the Council's approval, ICANN org opened a **public comment proceeding** on the Phase 2A Final Report in advance of the ICANN Board's consideration. The proceeding closed on 13 January 2022. The ICANN Board will now consider the Phase 2A policy recommendations.

HOW CAN I GET INVOLVED?

For more information on the SSAD ODP, please visit the following **page**. The work of the EPDP Team Phase 2A has concluded, but parties interested in learning more are invited to read the EPDP Phase 2A **Final Report**.

MORE INFORMATION

- **EPDP Phase 2 webpage**
- **EPDP Phase 2A webpage**
- **EPDP workspace**
- **SSAD ODP webpage**

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