

ICANN62: EPDP on the Temporary Specification for gTLD Registration Data

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Temporary Specification (Short) Overview (1/2)

- In response to GDPR and to be compliant on time the ICANN Board adopted a [Temporary Specification](#) on 17th May 2018.
- The Temporary Specification is effective since 25th May 2018 and ICANN can enforce it on contracted parties.
- It is first time that ICANN uses such process.
- The Temporary Specification is binding for all Registries and Registrars via the Consensus Policies and Temporary Policy Specifications in Registrar Accreditation Agreement and Registry Agreements
- The Temporary Specification should be reaffirmed by the ICANN board every 90 days for a total period not exceeding 1 year, in order to maintain it till it is confirmed as consensus policy.
- It was reaffirmed for first time last month. Board can amend the Temporary Specification during the reaffirmation if needed.

Temporary Specification (Short) Overview (2/2)

- Main impact: several data are redacted, displaying anonymized contact email and, Registrars and Registries provide “reasonable” access to 3rd parties.
- All contracted parties must implement the Temporary Specification, regardless of geographic location.
- The Temporary Specification does not modify contracted parties’ data collection, retention, transfer and escrow obligations under the Registrar Accreditation Agreement or the Registry Agreements.
- Contracted Parties are not required to differentiate between registrations from natural persons or legal persons (entities, organizations, etc.).

Why did the GNSO Council initiate an EPDP?

- Adoption of the Temporary Specification for gTLD Registration Data triggered an obligation on the GNSO Council to undertake a policy development process
- The GNSO Council initiated discussion with ICANN Board in April/May prior to the adoption about exploring the best options and paths.
- GNSO Council considered that EPDP provides the best opportunity to meet the time constraints : the goal is to have the EPDP done before the anniversary of Temporary Specification
- The GNSO Council as whole worked on drafting EPDP charter and scoping in June and during ICANN62 meeting in Panama. Getting community input through a High Interest Session organized on Monday 25th June. The charter drafting continued on July to resolve disagreements between stakeholder groups.
- EPDP was initiated by at the GNSO Council meeting on 19th July after supermajority vote.

What is a GNSO EPDP?

- GNSO Council may only initiate an Expedited Policy Development Process (EPDP) in specific circumstances instead of a full PDP.
- EPDP does not require a Preliminary Issue Report or Final Issue Report & associated public comment periods, shortening the time.
- EPDP Drafting Team develops:
 - Initiation Request: scope of the effort, why it meets the criteria for an EPDP, proposed mechanism, method of operation.
 - EPDP Team's Charter: Team Composition, Team Leadership, Scope, Decision-making methodologies, Status reporting, Problem/Issue Escalation & Resolution Processes.

What is the mission and proposed scope?

- Confirm, or not, the Temporary Specifications as Consensus Policy by 25 May 2019
- Discuss a standardized access model to nonpublic registration data
 - Will occur only after the EPDP Team has comprehensively answered a series of “gating questions” specified in the [EPDP Team’s Charter](#)
- Topics not included in the Temporary Specification are out of scope
- Expected Deliverables:
 - Triage Document
 - First Initial & Final Report : covering all Temporary Specification
 - Second Initial & Final Report: covering access model

EPDP Scope (1/2)

The EPDP charter outlined the Temporary Specification parts in scope as:

- Terms of the Temporary Specification
 - Purposes for Processing Registration Data
 - Required Data Processing Activities
 - Collection of registration data by registrar
 - Transfer of data from registrar to registry
 - Transfer of data from registrar/registry to data escrow provider
 - Transfer of data from registrar/registry to ICANN
 - Publication of data by registrar/registry
 - Data retention
 - Applicability of Data Processing Requirements
 - Transfer of data from registry to Emergency Back End Registry Operator (“EBERO”)
 - Temporary Specification and Reasonable Access

under each part there are gating questions for the EPDP Team’s discussion of access, in that they must be answered before work on a standardized access model can commence

EPDP Scope (2/2)

Terms of the Temporary Specification contd'

- Data Processing Terms
 - ICANN's responsibilities in processing data
 - Registrar's responsibilities in processing data
 - Registry's responsibilities in processing data
- Updates to Other Consensus Policies
 - URS
 - UDRP
 - Transfer Policy
 - Sunsetting WHOIS Contractual Requirements

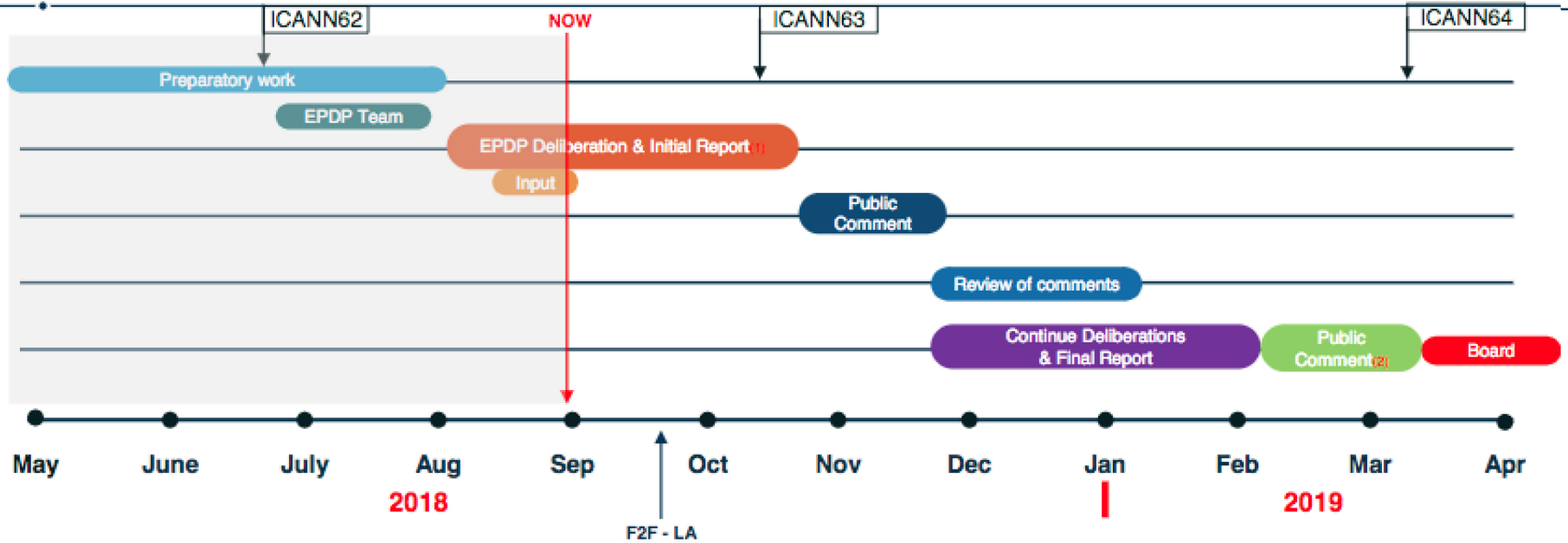
System for Standardized Access to Non-Public Registration Data (* only when all gating questions are covered)

- Purposes for Accessing Data
- Credentialing
- Terms of access and compliance with terms of use

Annex: Important Issues for Further Community Action (if time permits)

EPDP Timeline

31 August 2018



- Prep work, incl EPDP Initiation Request & Charter adoption
- Formation of EPDP Team
- Input from SO/ACs & SG/Cs
- EPDP Team Deliberation & Publication of Initial Report
- Public Comment on Initial Report
- Review of Public Comment & Submission of Final Report
- Council consideration of Final Report
- Public Comment prior to Board consideration
- Board consideration

(1) Access Model deliberations will begin after gating questions have been completed & will be added to the timeline then.

(1) Exploring option for alternative method for community input while satisfying Bylaws requirement, await response.

EPDP Team Composition

- GNSO
 - RySG: 3 Members + 3 Alternates
 - RrSG: 3 Members + 3 Alternates
 - CSG: 6 Members + 3 Alternates
 - 2 Members + 1 Alternate per Constituency
 - NCSG: 6 Members + 3 Alternates

- ALAC: 2 members + 2 Alternates

- SSAC: 2 members + 2 Alternates

- GAC: 3 members + 3 Alternates

- Liaisons:
 - 2 ICANN Staff Liaisons (Legal & GDD)
 - 2 ICANN Board Liaisons
 - 1 GNSO Council Liaison

- 1 Independent Chair

EPDP Members & Alternates

- Members: Required to represent the formal position of their SG/C or SO/AC, not individual views or positions
- Alternates: Only participate if a Member is not available & keep up with all relevant EPDP WG deliberations
- Limit EPDP membership composition in recognition of the need to complete the work in a short timeframe and to resource the effort responsibly

EPDP participation

- Individuals may still participate as observers
- Observers may:
 - subscribe to the mailing list
 - follow along on the audio-cast and/or read-only Adobe Connect of all meetings
 - be a public consultation respondent
 - Learn about the EPDP and its work:
<https://community.icann.org/x/IYEpbQ>
- Blog post, newsletter, webinars etc will be shared soon
- The EPDP team already started on 1st August, holding 2 calls of 90 min per week and will have a F2F meeting in end of September in LA.

EPDP Current Status

- Finalization Triage Document: to be ready soon, EPDP team used 4 surveys in August to get stakeholder groups positions and finding areas of consensus
- Started the substance discussion with deliberation on legitimate purpose for processing and data processing requirements
- Liaising with ICANN org asking several questions for clarifications regarding Temporary Specification.
- Preparing for the F2F meeting
- Next step preparing initial report by Barcelona and getting community input there.

Thank You

Any question?

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