

ICANN63 : gTLD登録データ暫定仕様(TempSpec)に関する迅速  
ポリシー策定プロセス

# ICANN63: Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data

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6 December 2018

# Agenda 議題

1

Barcelona Meeting &  
Background  
バルセロナ会議  
および背景

2

Initial Report  
Overview  
初回報告書の概要

3

Preliminary  
Recommendations  
予備勧告

4

Questions for Input  
意見提供のための  
質問


5

Q&A

# Barcelona Meeting & Background


バルセロナ会議および背景

# What is the mission and scope? 任務および対象範囲



Initiated by GNSO, triggered by ICANN Board's adoption of Temporary Specification


GNSOによって開始され、ICANN理事会のTempSpec採択がきっかけ

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- To confirm, or not, the Temp Spec as Consensus Policy by 25 May 2019

TempSpecをコンセンサスポリシーとして承認するかしないかを2019年5月25日までに決定

Develop Policy Recs and answer 52 Charter Questions

- ポリシー勧告の策定および52のチャーター質問に回答



Discuss a standardized access model to nonpublic registration data  
非公開登録データへの標準化されたアクセスモデルを議論

- Only after the “gating questions” specified in the [EPDP Team's Charter](#) are addressed and non objection from GNSO Council  
EPDPチームで定められた「境界質問」について処理された後、およびGNSO評議会から反対がないこと



Only covers topics in the Temp Spec  
Temp Spec中のテーマのみ扱う

# EPDP activities in Barcelona バルセロナでの活動(1/2)

- The EPDP Team met four times during ICANN63, including a full-day meeting in Saturday.

EPDPチームはICANN63会期中に4回会合を実施

- The primary goal of the meetings was to finalize the EPDP Team's recommendations for its Initial Report. In working through its [charter questions](#).

会合の第一義的な目標は初回報告書向けの勧告確定。チャーター質問を通じて作業中

- The EPDP Team continued to discuss purposes for processing registration data, related processing activities, lawful bases of processing activities.

EPDPチームは登録データ処理、関連データ処理活動、処理活動の法的根拠について議論を継続

- The topics were also: Legal vs. Natural; Geographic Basis, Redacted Data etc.

法人対個人、地理的基礎、編集されたデータなども議論

## EPDP activities in Barcelona バルセロナでの活動 (2/2)

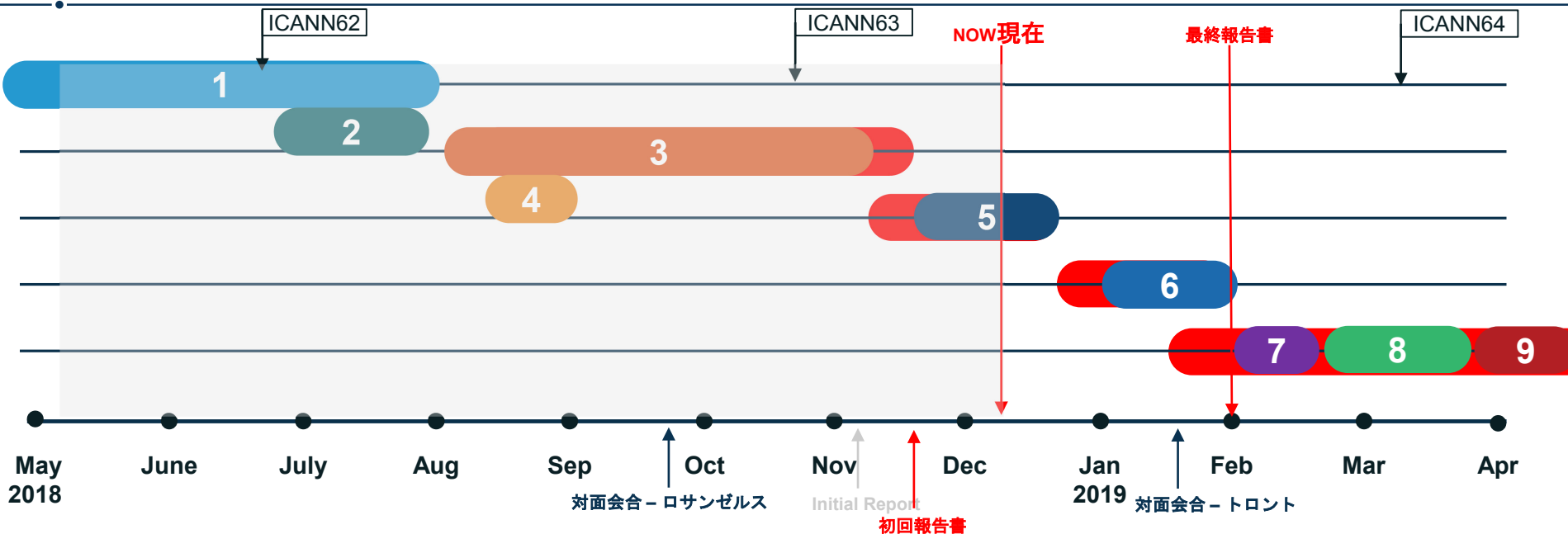
- Meetings were partly supported by professional facilitation to help the team to reach some agreement  
EPDPの会合は合意形成支援のため一部プロのファシリテーターがサポート
- The EPDP Team organized a [High Interest Topic Session](#), during which representatives from the EPDP Team presented an overview of the EPDP Team's composition, scope, progress, working methodology such data elements workbooks, and expected next steps in relation to the publication of its Initial Report  
主要題目セッションを企画
- Expanded update was shared with GNSO Council during the GNSO Council Public meeting where councillors gave guidance regarding using legal counsel by EPDP team and continuing to use professional facilitation for deliberations.  
拡大版アップデートがGNSO評議会に共有された



# EPDP Team



# EPDPタイムライン



- 1** EPDP開始要求およびチャーター採択を含む準備作業
- 2** EPDPチームの編成
- 3** EPDPチームによる検討および初回報告書の発行<sup>(1)</sup>
- 4** SO/AC/SG/Cからのインプット
- 5** 初回報告書への意見募集
- 6** 寄せられた意見の評価および最終報告書の提出
- 7** 最終報告書に関する評議会の検討
- 8** 理事会検討前の意見募集<sup>(2)</sup>
- 9** 理事会による検討

最終報告書まで **59** 日

Temp Spec の失効まで **171** 日



# Towards an Initial Report 初回報告書に向けて

EPDP Team held 29 fully-attended, multi-hour meetings in the 13 weeks available to it and also held 45+ hours of face-to-face meetings in Barcelona (at the ICANN meeting) and in Los Angeles.

EPDPチームはこれまでに29回会合を開催し、バルセロナでは計45時間以上にわたり対面会合実施

- Review of Temporary Specification (Triage Report) Temp Specのレビュー（トリアージレポート）
- Review and response to each Charter Question, collectively but also with the assistance of small teams to address specific issues 各チャーター質問へのレビューおよび回答、特定の課題向け小チーム設立
- Documenting purposes, each data processing activity, lawful basis, data elements and responsible parties (data elements workbooks) 目的、各データ処理活動、法的根拠、データ要素と責任当事者に関して文書化
- Prioritizing work to ensure critical issues are addressed for Temporary Specification expiration 重要課題がTemp Spec失効までに解決するよう作業の優先順位付け
- Initial report published the 21st November 初回報告書は11月21日に公開
- [Public Comment](#) ongoing using google form to collect structured input [意見募集](#)は構造化のためGoogleフォームで実施中
- Each recommendation can be commented. 勧告毎にコメント可能
- There are also questions for community input to give guidance to EPDP team, including the gating questions. 境界質問を含むコミュニティ向けの質問もあり

# Initial Report Overview 初回報告書概要

# Initial Report – Structure 初回報告書の構造

1

Executive Summary  
要約

5

Next Steps  
次の段階

2

Overview of Preliminary  
Recommendations  
予備勧告の概要

Glossary  
用語集

3

EPDP Team Approach  
EPDPチームの取組  
み方

付録  
A - C

Background, membership &  
attendance, early input  
背景、メンバー、出席  
状況、初期の意見提供

4

EPDP Team Responses to charter  
questions & Preliminary  
Recommendations  
チャーター質問および予備勧  
告へのEPDPチームの回答

付録D

Data Elements  
Workbooks  
データ要素一覧

# Preliminary Recommendations 予備勧告

# Preliminary Recommendations 予備勧告

- 22 Preliminary Recommendations - no formal consensus call taken yet (consensus call will be made for the final report) 22の予備勧告がなされたが正式コンセンサスには至らず(最終報告書にてコンセンサス要求予定)
- Differing views are noted with the Initial Report, when applicable. 該当する場合、異なった見方は初回報告書に明記される
- Address issues such as, what is / are the: 取り組む課題
  - Purposes for processing gTLD Registration Data gTLD登録データ処理目的
  - Data elements required to be processed 処理が要求されるデータ要素 (e.g., collected, transferred from registrar to registry, provided to data escrow providers, provided to ICANN Compliance) (例：収集、レジストラ→レジストリ転送、データエスクロープロバイダーへの提供、ICANNコンプライアンス向け提供)
  - Redaction of data elements that contain or could be considered personal data 個人データを含むもしくは個人データであるとみなされるデータ要素の編集
  - Data retention period データ保持期間
  - Meaning of “Reasonable Access” 「正当なアクセス」の意味
  - Lawful bases (as described by GDPR) for processing registration data 登録データ処理に関する法的根拠(GDPRで記述)
  - Responsible parties 責任当事者 (i.e., Joint Data Controllers, Data Controllers, Data Processors 例：共同データ管理者、データ管理者、データ処理者)
  - Effect of GDPR on existing Consensus Policies / Procedures 既存のコンセンサスポリシー／手続におけるGDPRの影響 (e.g., URS, UDRP, Transfer Policy 例：URS, UDRP, 移転ポリシー)

## Topics expected to be further considered さらに検討が必要な項目

- Appropriateness of a Controller vs. Joint-Controller agreement between ICANN and contracted parties ICANNと契約者間において、管理者対共同管理者の合意の妥当性(Prelim. Rec #13)
- If/how to distinguish registrants as legal or natural persons (どのように)登録者を法人／個人として識別するか(Q7)
- If/how to differentiate registrants on a geographic basis (どのように)登録者を地理的基準で区別するか(Q7)
- Lawful basis for processing data データ保護の法的根拠(6(1)b vs 6(1)f) (Prelim. Rec #14)
- Impact on preliminary recommendations on existing policies such as Thick WHOIS Thick WHOIS など既存ポリシーへの予備勧告の影響
- For data elements that are optional (i.e., Tech contact), should it be optional for a registrar to offer that contact field? 任意データ項目(例：技術連絡担当者)に関して、レジストラ向けに任意項目とすべきか(Prelim. Rec #4)
- Data redaction: should the Organization field be redacted データ編集：組織名項目は編集可能とすべきか (Prelim. Rec # 8 / Q5)
- Should a separate “purpose” be provided for DNS security and stability research? DNSセキュリティと安定性に関する研究向けに独自の目的が提供されるべきか (Q1)

# Questions for Input 意見収集のための質問



## Questions for Community Input コミュニティからの意見収集のための質問

- Report also includes 11 questions for Community Input – EPDP Team is looking for focused, well-reasoned input that will facilitate finalization of the report, responses to charter questions and recommendations. 報告書はコミュニティからの意見提出のため11の質問を含む。EPDPチームは報告書、チャーター質問、および勧告の最終化を促進する、焦点が絞られよく理由づけされた意見提出を求めている。
- The EPDP Team is interested in your reasoning and rationale - not just your position. Important to demonstrate GDPR Compliance when changes are proposed. EPDPチームは回答者の単なる立場ではなく、理由と根拠に興味がある。変更が提案される際にGDPR準拠の証拠となるために重要である。
- Initial Report also includes a number of issues on which no agreement has been reached. 初回報告書は合意に至っていない数多くの課題を含んでいる。
- Specific issues requiring clarification and/or confirmation may be communicated to the European Data Protection Board (EDPB) for feedback to help inform deliberations. This is under discussion within EPDP team. 特定の論点は欧州データ保護委員会(EDPB)への明確化および／または確認が必要である。

# Next Steps 次の段階

- ◎ Continuing deliberations on outstanding items to reach agreement. 合意に達するよう最優先項目に関して検討を継続
- ◎ Waiting for the end of public comment period to review the received input and decide if recommendations should be amended substantively. 意見募集期間の終了を待って、受領したコメントをレビューし、勧告を大幅に変えるべきか決定
- ◎ 3rd Face to Face meeting in Toronto. 3回目の対面会合をカナダ・トロントで開催
- ◎ Deliver final report in 1st February to GNSO Council for approval. 2019年2月1日に最終報告書をGNSO評議会へ承認を求めるために提出
- ◎ By Kobe meeting, EPDP team should start or preparing for the phase 2 神戸会議までに、EPDPチームはフェーズ2の準備を開始

You can get regular update from EPDP by subscribing to the Weekly Update or checking [here](#). 週次報告を購読するか、[Webページ](#)をチェックすれば定期的な更新情報を取得可能

Thank You ありがとうございます

Any Question? 質疑

# Appendix


# GNSO Council Updates

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- Approval of PDP 3.0 recommendations and initiating the effort to create an implementation plan to be overseen by the new council
- Termination to RDS Working Group.
- New Council started after AGM and new GNSO Chair elected









# EPDP Team Composition

**Chair**




1 Chair


**GNSO**

<u>RySG</u>	<u>RrSG</u>	<u>CSG</u>	<u>NCSG</u>
 3 Members	 3 Members	 6 Members	 6 Members
 3 Alternates	 3 Alternates	 3 Alternates	 3 Alternates
		2 members + 1 alternate per constituency	

**ALAC**




2 Members




2 Alternates

**SSAC**




2 Members




2 Alternates

**GAC**



3 Members



3 Alternates

**Liaisons**



2 ICANN Staff Liaisons  
(Legal & GDD)



1 GNSO  
Council Liaison



2 ICANN Board Liaisons

# Questions for Community Input

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1. Are these purposes sufficiently specific and, if not, how do you propose to modify them? Please provide a rationale, keeping in mind compliance with GDPR. Should any purposes be added? If so, please identify the proposed additional purposes and provide a rationale for including them, keeping in mind compliance with GDPR.
2. Are the data elements recommended as required for registrar collection necessary for the purposes identified? If not, why not? Are any data elements missing that are necessary to achieve the purposes identified? If so, please provide the missing data element(s) and a rationale, keeping in mind compliance with the GDPR.
3. Are there other data elements that are required to be transferred between registrars and registries / escrow providers that are necessary to achieve the purposes identified? If so, please provide the relevant rationale, keeping in mind compliance with the GDPR.
4. Are there other data elements that are required to be transferred between registrars and registries / ICANN Compliance that are necessary to achieve the purposes identified? If so, please identify those data elements and provide the relevant rationale, keeping in mind compliance with the GDPR. Are there identified data elements that are not required to be transferred between registrars and registries / ICANN Compliance and are not necessary to achieve the purposes identified? If so, please identify those data elements and explain.



# Questions for Community Input

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5. Should the EPDP Team consider any changes in the redaction of data elements? If so, please identify those changes and provide the relevant rationale, keeping in mind compliance with the GDPR.
6. Should the EPDP Team consider any changes to the recommended data retention periods? If so, please identify those changes and provide the relevant rationale, keeping in mind compliance with the GDPR. Do you believe the justification for retaining data beyond the term of the domain name registration is sufficient? Why or why not? Please provide a rationale for your answer.
7. What other factors should the EPDP team consider about whether Contracted Parties should be permitted or required to differentiate between registrants on a geographic basis? Between natural and legal persons? Are there any other risks associated with differentiation of registrant status (as natural or legal person) or geographic location? If so, please identify those factors and/or risks and how they would affect possible recommendations, keeping in mind compliance with the GDPR. Should the community explore whether procedures would be feasible to accurately distinguish on a global scale whether registrants/contracted parties fall within jurisdiction of the GDPR or other data protection laws? Can the community point to existing examples of where such a differentiation is already made and could it apply at a global scale for purposes of registration data?

# Questions for Community Input

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8. Should the EPDP Team consider any changes to its recommendations in relation to “reasonable access”? If so, please identify the proposed changes and please provide the relevant rationale, keeping in mind compliance with the GDPR.
9. Should the EPDP Team consider any changes to the responsibility designations and/or identified lawful bases? If so, please identify the proposed change(s) and provide the relevant rationale, keeping in mind compliance with the GDPR.
10. Are there any changes that the EPDP Team should consider in relation to the URS and UDRP that have not already been identified? If so, please provide the relevant rationale, keeping in mind compliance with the GDPR.
11. Are there any changes that the EPDP Team should consider in relation to the Transfer Policy that have not already been identified? If so, please provide the relevant rationale, keeping in mind compliance with the GDPR.