

# EPDP on the Temporary Specification for gTLD Registration Data - Phase 2 - Addendum to Initial Report - Public Comment Proceeding Input Form

\* Required

1. Email address \*

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## Important Instructions - PLEASE READ BEFORE PROCEEDING

IMPORTANT: Due to recent events, anyone who was unable to submit their input on the EPDP Team's Initial Report addressing SSAD (see <https://www.icann.org/public-comments/epdp-phase-2-initial-2020-02-07-en>) by the deadline of 23 March 2020 may submit your comments via this public comment forum by 3 May. To provide input on the Initial Report, please use this link: <https://forms.gle/p6QsdHR86cZXRDbt9>. Additionally, if you intend to comment on the Initial Report, please email [gns0-secs@icann.org](mailto:gns0-secs@icann.org) by 31 March 2020 at the latest so that the EPDP Team can plan its review of public comments accordingly.

To provide input on the Addendum, please use the current form.

This Public Comment forum seeks community feedback on the Initial Report published by the Expedited Policy Development Process (EPDP) Team on the Temporary Specification for gTLD Registration Data.

This is a new format for collecting public comment. It seeks to:

- Clearly link comments to specific sections of the addendum to the initial report
- Encourage commenters to provide reasoning or rationale for their opinions
- Enable the sorting of comment so that the EPDP team can more easily read all the comments on any one topic

There is no obligation to complete all sections within this form – respond to as many or as few questions as desired. Additionally, there is the opportunity to provide comments on the general content of the Initial Report or on new issues not raised by the Initial Report.

It is important that your comments include rationale (i.e., by answering the “rationale” question in each section). This is not a vote. The EPDP team is interested in your reasoning so that the conclusions reached and the issues discussed by the team can be tested against the reasoning of others. (This is much more helpful than comments that simply “agree” or “disagree”).

To stop and save your work for later, you MUST (to avoid losing your work):

1. Provide your email address above in order to receive a copy of your submitted responses;
2. Click "Submit" at the end of the Google Form (the last question on every page allows you to quickly jump to the end of the Google Form to submit);
3. After you click "Submit," you will receive an email to the above-provided email address; within the email, click the "Edit Response" button at top of the email;
4. After you click the "Edit Response" button, you will be directed to the Google Form to return and complete;
5. Repeat the above steps 2-4 every time you wish to quit the form and save your progress.

### NOTES:

--Where applicable, you are encouraged to reference sections in the report for ease of the future review by the EPDP Team.

--Your comments should take into account scope of the EPDP as described by the Charter and General Data Protection Regulation (GDPR) compliance.

--For transparency purposes, all comments submitted to the Public Comment forum will be displayed publicly via an automatically-generated Google Spreadsheet when the commenter hits the “Submit” button. Email addresses provided by commenters will not be displayed.

--To maximize the visibility of your comments to the EPDP Team, please submit your comments via this form only. If you are unable to use this form, alternative arrangements can be made.

--Please note there is a character limit of 2000 characters when submitting a response. In the event you encounter a character limit, you may send an email to [policy-staff@icann.org](mailto:policy-staff@icann.org), and the EPDP Support Staff will assist you with your response.

--The final date of the public comment proceeding is 23:59 UTC on 3 May 2020.

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### Consent & Authorization

By submitting my personal data, I agree that my personal data will be processed in accordance with the ICANN Privacy Policy (<https://www.icann.org/privacy/policy>), and agree to abide by the website Terms of Service (<https://www.icann.org/privacy/tos>).

2. Please provide your name: \*

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3. Please provide your affiliation \*

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4. Are you providing input on behalf of another group (e.g., organization, company, government)? \*

*Mark only one oval.*

Yes

No

5. If yes, please explain:

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### Save Your Progress

6. Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

*Mark only one oval.*

Yes

No, I would like to continue to the next section

### Section 3, EPDP Phase 2 Addendum - Preliminary Recommendations and Conclusions

This public comment proceeding seeks to obtain input on the Addendum to the Initial Report of the Phase 2 EPDP on the Temporary Specification for gTLD Registration Data Team. The Addendum to the Initial Report provides the EPDP Team's preliminary recommendations and conclusions on Priority 2 topics.

Please note it is important to read the supporting information for all preliminary recommendations and conclusions in the Addendum. For ease of reading, the supporting information, which include details on the EPDP Team's deliberations and reasoning, is not included within the form. However, it is recommended you read the supporting information in its entirety before commenting.

### 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.

7. Please choose your level of support for Recommendation #20:

*Mark only one oval.*

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

8. If your response requires an edit or deletion of Recommendation #20, please indicate the revised wording and rationale here.

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### **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.

9. Choose your level of support of the preliminary conclusion for Legal vs. Natural Persons.

*Mark only one oval.*

- Support Conclusion as written
- Support Conclusion intent with wording change
- Significant change required: changing intent and wording
- Conclusion should be deleted
- No opinion

10. If your response requires an edit or deletion of the preliminary conclusion for legal vs. natural persons, please indicate the revised wording and rationale here.

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**Preliminary Conclusion: City Field Redaction**

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

11. Choose your level of the preliminary conclusion for city field redaction:

*Mark only one oval.*

- Support Conclusion as written
- Support Conclusion intent with wording change
- Significant change required: changing intent and wording
- Conclusion should be deleted
- No Opinion

12. If your response requires an edit or deletion of the preliminary conclusion for city field redaction, please indicate the revised wording here.

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## 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.

Please refer to the Addendum to review the accompanying implementation note(s).

### 13. Choose your level of support of Recommendation #21:

*Mark only one oval.*

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

### 14. If your response requires an edit or deletion of Recommendation #21, please indicate the revised wording and rationale here.

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## Preliminary Conclusion: Office of the Chief Technology Officer (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.

15. Choose your level of support of the preliminary conclusion of the OCTO Purpose:

*Mark only one oval.*

- Support Conclusion as written
- Support Conclusion intent with wording change
- Significant change required: changing intent and wording
- Conclusion should be deleted
- No opinion

16. If your response requires an edit or deletion of the preliminary conclusion of the OCTO Purpose, please indicate the revised wording and rationale here.

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

The EPDP Team received legal guidance 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.

17. Choose your level of support of the preliminary conclusion on the feasibility of unique contacts to have a uniform anonymized email address:

*Mark only one oval.*

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion



18. If your response requires an edit or deletion of the feasibility of unique contacts to have a uniform anonymized email address, please indicate the revised wording and rationale here.

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**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.

19. Choose your level of support of the preliminary conclusion for accuracy and WHOIS accuracy reporting:

*Mark only one oval.*

- Support Conclusion as written
- Support Conclusion intent with wording change
- Significant change required: changing intent and wording
- Conclusion should be deleted
- No opinion

20. If your response requires an edit or deletion of the preliminary conclusion for accuracy and WHOIS accuracy reporting, please indicate the revised wording and rationale here.

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## Save Your Progress

21. Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

*Mark only one oval.*

- Yes
- No, I wish to continue to the next section

## Recommendation #22: Purpose 2

The EPDP Team recommends the following purpose be added to the Phase 1 purposes, 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.

22. Choose your level of support of Recommendation #22:

*Mark only one oval.*

- Support recommendation as written
- Support intent of recommendation with edits
- Intent and wording of this recommendation requires amendment
- Delete recommendation
- No opinion

23. Do you recommend a change to the wording of Recommendation 22? If so, please indicate proposed edits and rationale here.

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**Save Your Progress**

24. Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

*Mark only one oval.*

- Yes
- No, I wish to continue to the next section

**Other Comments & Submission**

25. Are there any recommendations the EPDP Team has not considered? If yes, please provide details below.

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26. Are there any other comments or issues you would like to raise pertaining to the Addendum to the Initial Report? If yes, please enter your comments here. If applicable, please specify the section or page number in the Initial Report to which your comments refer.

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**Save Your Progress**

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