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gTLD Registration Data Policy Implementation

**The Implementation of the EPDP Phase 1 & Phase 2 Priority 2
Consensus Policy Recommendations**

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Implementation Review Team (IRT) Meeting #59 ICANN72

27 October 2021



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Registration Data Policy Implementation Overview

Agenda Item 1

Policy Implementation Background

- On 19 July 2018, the Generic Names Supporting Organization (GNSO) Council initiated an Expedited Policy Development Process (EPDP) to be developed in two phases and chartered the EPDP on the Temporary Specification for gTLD Registration Data Team.
- During Phase 1 of its work, the EPDP Team was tasked with determining if the Temporary Specification for gTLD Registration Data should become an ICANN Consensus Policy as is, or with modifications. In addition, the Consensus Policy must comply with the GDPR and take into account other relevant privacy and data protection laws.
- On 20 February 2019, the EPDP Phase 1 Team submitted to the GNSO Council its [Final Report](#) and the GNSO Council adopted all 29 recommendations in the EPDP Final Report on 4 March 2019.
- On 15 May 2019, the Board [adopted](#) 27 of the 29 recommendations
 - Two recommendations were adopted in part:
 - Recommendation 1: Purpose #2
 - The Board was concerned with the wording of purpose 2 and consistency with applicable law, where the impact might be the elimination of an ICANN purpose.
 - Recommendation 12: Organization field
 - The Board did not adopt Recommendation 12 in full due to implementation advice 2(b), which allows the deletion of registration data in the organization field.

Policy Implementation Background

- On August 2020, the EPDP team completed the Phase 2 of their work EPDP and published the final report consisting of four recommendations termed EPDP Phase 2 Priority 2 topics recommendations which consisted of topics carried over from the EPDP Phase 1 discussions.
- On 24 September 2020, the GNSO Council approved the Priority 2 recommendations.
- **On 21 June 2021, the Board adopted the Recommendations 19-22 which cover the topics of city field redaction, display of privacy/proxy registrations' contact data, an updated purpose for data processing related to security, stability, and resiliency, and the time periods associated with registration data retention.**
- **The EPDP Phase 2 Priority 2 Recommendations have been added to project scope for the Phase 1 recommendations implementation project to complete the gTLD Registration Data Policy.**

Policy Implementation in 3 Stages

- Working in advance of the Board resolution, the implementation team produced the concept of three stages of the policy implementation.
 - **Stage 1: Continue to implement measures consistent with the Temporary Specification for gTLD Registration Data that expires on 25 May 2019. This is an Interim Registration Data Policy while the permanent policy is prepared and published based on the recommendations.**
 - Stage 2: This stage will begin after the ICANN organization publishes a Registration Data Policy as a Consensus Policy and formally notifies the contracted parties. During this stage, contracted parties may implement the Interim Policy, the Registration Data Policy, or elements of both as they prepare for the effective date of the Registration Data Policy. The timing of this milestone is to be determined.
 - Stage 3: Contracted parties must comply with the Registration Data Policy as of its effective date.

Registration Data Policy Implementation Implementation Scope

Agenda Item 2

Implementation Scope of 33 Recommendations

Policy Drafting

- IRT Discussions

Reports & Studies

- Data Retention
- Data Retention Waiver Process
- Legal / Natural persons differentiation

**EPDP Phase 1 (29)
& Phase 2 Priority
2 (4)**

Data Protection Arrangements

- with contracted parties
- with 3rd party providers

Impact on Existing Policies & Procedures

- Wave 1
- Wave 1.5
- Wave 2

Policy Implementation Team Deliverables

Agenda Item 3

Implementation Project Team (IPT) - ICANN org
Policy Review Team (IRT) - ICANN Community

Implementation Team Deliveries to Date

- 17 May 2019 - Published the [Interim Registration Data Policy for gTLDs](#)
 - Effective as of 20 May 2019. Requires contracted parties to continue to implement measures that are consistent with the [Temporary Specification for gTLD Registration Data](#) pending the implementation of the Registration Data Policy.
- 1 November 2019 - Delivered Report on Recommendation 15.1 to GNSO
 - Review of ICANN org processes on data retention
- 6 December 2019 - Delivered Report for Recommendation 15.4 to EPDP Phase 2 Team
 - Review of ICANN process for handling registrar data retention waiver
- 18 February 2020 - Delivered Recommendation 27 Wave 1 Report to GNSO
 - Registration Data Policy impacts on existing consensus policies
- 8 July 2020 - Delivered Report for Recommendation 17.2 to EPDP Phase 2 Team
 - Differentiation between Legal and Natural Persons in Domain Name Registration Data Directory Services
- 23 February 2021 - Delivered Recommendation 27 Wave 1.5 Report to GNSO
 - Registration Data Policy Impacts to consensus policies in implementation: Privacy and Proxy Services Accreditation Issues (PPSAI) and Translation and Transliteration of Contact Information (T/T)

Implementation Team Deliveries to Date

- **Completed Redlined Documents: (13)**

- Transfer Policy - *completed 17 March 2021*
- WHOIS Marketing Restriction Policy - *completed 30 March 2021*
- WHOIS Data Reminder Policy - *completed 30 March 2021*
- Protection of IGO and INGO Identifier in All gTLDs Policy - *completed 30 March 2021*
- Expired Registration Recovery Policy (ERRP) - *completed 30 March 2021*
- Additional Whois Information Policy (AWIP) - *completed 30 March 2021*
- Transfer - FOA - Confirmation of Registrar Transfer Request - *completed 30 March 2021*
- Transfer - FOA - Initial Authorization for Registrar Transfer - *completed 30 March 2021*
- Transfer Dispute Resolution Policy (TDRP) - *completed 2 June 2021*
- Uniform Rapid Suspension System (URS) Procedure - *completed 2 June 2021*
- Uniform Rapid Suspension System (URS) Rules - *completed 2 June 2021*
- Revised ICANN Procedure For Handling WHOIS Conflicts with Privacy Law - *completed 2 June 2021*
- URS High Level Technical Requirements for Registries and Registrars - *completed 2 June 2021*
- Uniform Domain Name Dispute Resolution Policy (UDRP) Rules - *completed 14 June 2021*
- Uniform Domain Name Dispute Resolution Policy (UDRP) - *completed 12 July 2021*
- Restored Names Accuracy Policy (RNAP) - *completed 12 July 2021*

Implementation Team Deliveries in progress

- **In Progress Redlined Documents: (5)**
 - Registry Registration Data Directory Services Consistent Labeling and Display Policy
 - Thick RDDS (Whois) Transition Policy for .COM, .NET and .JOBS
 - Additional Whois Information Policy
 - RDAP Profile Document
 - RDAP Technical Specifications
- **New deliveries in draft**
 - Draft Registration Data Policy for public comment
 - Draft Data Processing Agreement documents
 - Advisory for Port 43 Whois and Web-based directory service (plan: reissue new advisory)
 - Recommendation 27 Wave 2 Report
- **Documents reviewed and determined that Redline is not required: (3)**
 - AGP (Add Grace Period) Limits Policy
 - Registry Services Evaluation Policy (RSEP)
 - Expired Domain Deletion Policy (EDDP)

IRT Agenda on IRT wiki

Policy Implementation Wiki workspace

- Community wiki space for Registration Data Policy implementation.
 - GNSO - Implementation Review Team:
<https://community.icann.org/x/hpaGBq>
- Implementation working documents that will be shared with public
- IRT members list: with their affiliation Statement of Interest (SOI).
- IRT Meeting Agenda and Minutes
 - <https://community.icann.org/x/xQZyCq>

Community Q&A

Engage with ICANN



Thank You and Questions

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Implementation Studies, Reports, and other activities

Recommendation 15 Reports: Data Retention

15.1 In order to inform its Phase 2 deliberations, the EPDP team recommends that ICANN Org, as a matter of urgency, undertakes a **review of all of its active processes and procedures** so as to identify and document the instances in which **personal data is requested from a registrar beyond the period of the 'life of the registration'**.

Retention periods for specific data elements should then be identified, documented, and relied upon to establish the required relevant and specific minimum data retention expectations for registrars. The EPDP Team recommends community members be invited to contribute to this data gathering exercise by providing input on other legitimate purposes for which different retention periods may be applicable.

Report: <https://mm.icann.org/pipermail/gnso-epdp-team/2019-November/002747.html>

15.4 The EPDP team recommends that ICANN Org **review its current data retention waiver procedure** to improve **efficiency, request response times, and GDPR compliance**, e.g., if a Registrar from a certain jurisdiction is successfully granted a data retention waiver, similarly-situated Registrars might apply the same waiver through a notice procedure and without having to produce a separate application.

Report: <https://mm.icann.org/pipermail/gnso-epdp-team/2020-January/002910.html>

Recommendation 17 Report: Legal / Natural Persons

The EPDP Team recommends that as soon as possible, ICANN org should undertake a study, for which the terms of reference are developed in consultation with the community, that considers:

- The feasibility and costs, including both implementation and potential liability costs, of differentiation between legal and natural persons.
- Examples of industries or organizations that have successfully differentiated between legal and natural persons.
- Privacy risks to registered name holders of differentiating between legal and natural persons.
- Other potential risks (if any) to registrars and registries of not differentiating.

Recommendation 27 Reports

- Recommendation 27 specifies the need to identify and address all policies or procedures that might be affected by the EPDP Phase 1 policy recommendations and the new Registration Data Policy.
- ICANN org performed a detailed review of a set of existing policies and procedures and drafted an analysis identifying impacted areas and potential changes to address the impact.
 - Impacts may include outdated provision language, higher-level issues (e.g. inconsistency of existing policy or procedure with Registration Data Policy), or implications for existing contractual provisions.
- This effort is being completed in two and a half waves:
 - Wave 1 report (January 2020) includes consensus policies in effect: <https://gns0.icann.org/en/drafts/wave-1-draft-report-rdp-impacts-13jan20-en.pdf>
 - Wave 1.5 and Wave 2 reports are currently underway to cover consensus policies not yet in effect and relevant procedures (e.g., Data Escrow, Trademark Clearinghouse).

Recommendation 27 (cont'd)

- Wave 1 report includes an analysis of the **15** policies or procedures listed below and identifies the level of impact of the policy recommendations, which can be put into buckets as follows:

High Impact	Medium Impact	Low Impact
<ul style="list-style-type: none"> • Registry Registration Data Directory Services Consistent Labeling and Display Policy • Thick RDDS (Whois) Transition Policy for .COM, .NET and .JOBS • Transfer Policy • Uniform Domain Name Dispute Resolution Policy (UDRP) and Rules • Uniform Rapid Suspension (URS) 	<ul style="list-style-type: none"> • Expired Domain Deletion Policy (EDDP) • Whois Data Reminder Policy (WDRP) 	<ul style="list-style-type: none"> • AGP Limits Policy • Additional Whois Information Policy (AGP) • Expired Registration Recovery Policy (ERRP) • Protection of IGO and INGO Identifier in All gTLDs Policy • Registry Services Evaluation Policy (RSEP) • Restored Names Accuracy Policy (RNAP) • Revised ICANN Procedure for Handling WHOIS Conflicts with Privacy Law • Whois Marketing Restriction Policy

Next steps:

- The impacts for the items described in Wave 1 report appear to be within the remit of the GNSO, as they are either consensus policies or currently being considered in a GNSO PDP.
- Wave 1 final report, with any updates from the IRT review, will be submitted to the GNSO Council who will then determine next steps (e.g., EPDP, GNSO Guidance Process, etc.).

Implementation Review Team (IRT) Role

1. Operates in accordance with Consensus Policy Implementation Framework.
2. Not a policymaking body.
3. Members should have a good understanding of the contents of the Final Report and Board Resolution including the Board scorecard.
4. Assists the IPT in implementation of the policy consistent with the Board-approved recommendations.
5. Provide subject matter expertise to IPT for implementation of the policy requirements.
6. Provides feedback and answers questions within deadlines requested by the IPT or communicates with the IPT if additional time is required.
7. Members must maintain current [Statement of Interest](#).

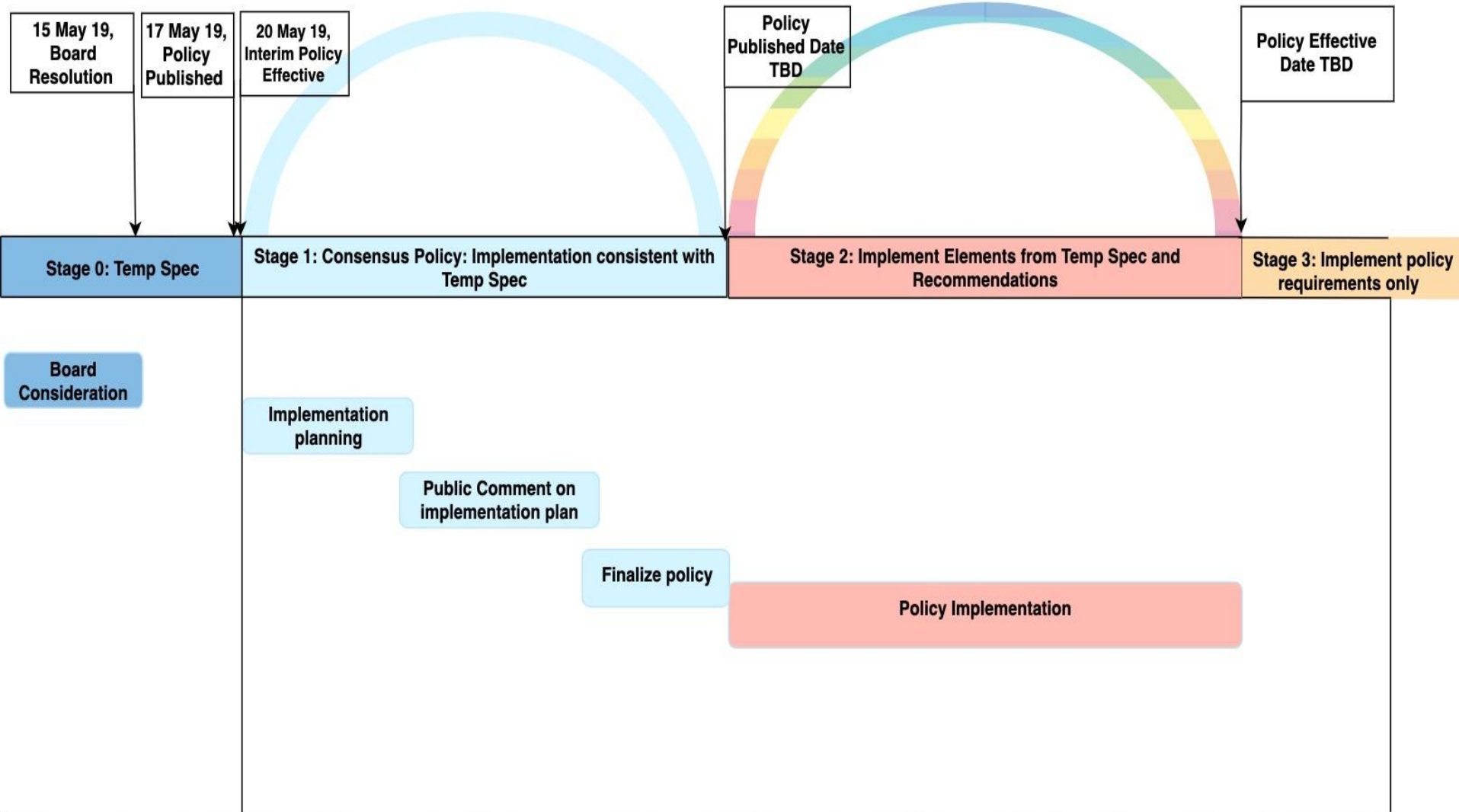
Recommendations 19 & 20: Data Protection Agreements

EPDP Recommendation 19: ICANN org to negotiate and enter into required data protection agreements, as appropriate, with contracted parties.

EPDP Recommendation 20: Include data processing activities and responsible parties in relevant data protection agreements.

- **Status:** ICANN org and a group of contracted parties are working together to complete this deliverable. Effort has been a combination of face-to-face meetings and teleconferences.
- **Milestone:** Group has documented data processing required under ICANN agreements and policies (who does what and why).
- **Next Step:** Continue discussions to develop relevant draft agreements.

Policy Transition Stages



Policy Implementation Status

- ICANN org and the implementation review team (IRT) began working on the implementation of the Registration Data Policy on 29 May 2019.
- The EPDP Team recommended that the final effective date for the Registration Data Policy for gTLDs be 29 February 2020. However given the complexity of the implementation and the possibility of additional input on the recommendations from data protection authorities or other sources this date has not been met.
 - The GNSO council liaison informed the GNSO council that the recommended 29 February 2020 effective date was deemed not be feasible on 02 October 2019.
- Outstanding work includes completing the draft of the gTLD Registration Data Policy and a proposed implementation timeline to be shared for public comment, including the anticipated implementation time for contracted parties.
- This effort includes deliberation to resolve conflicting interpretation of some of the recommendations, evaluation of the policy requirements for technical feasibility, projection of the scope and time for the tasks to be implemented, and the assessment of the critical path to define an implementation timeline.

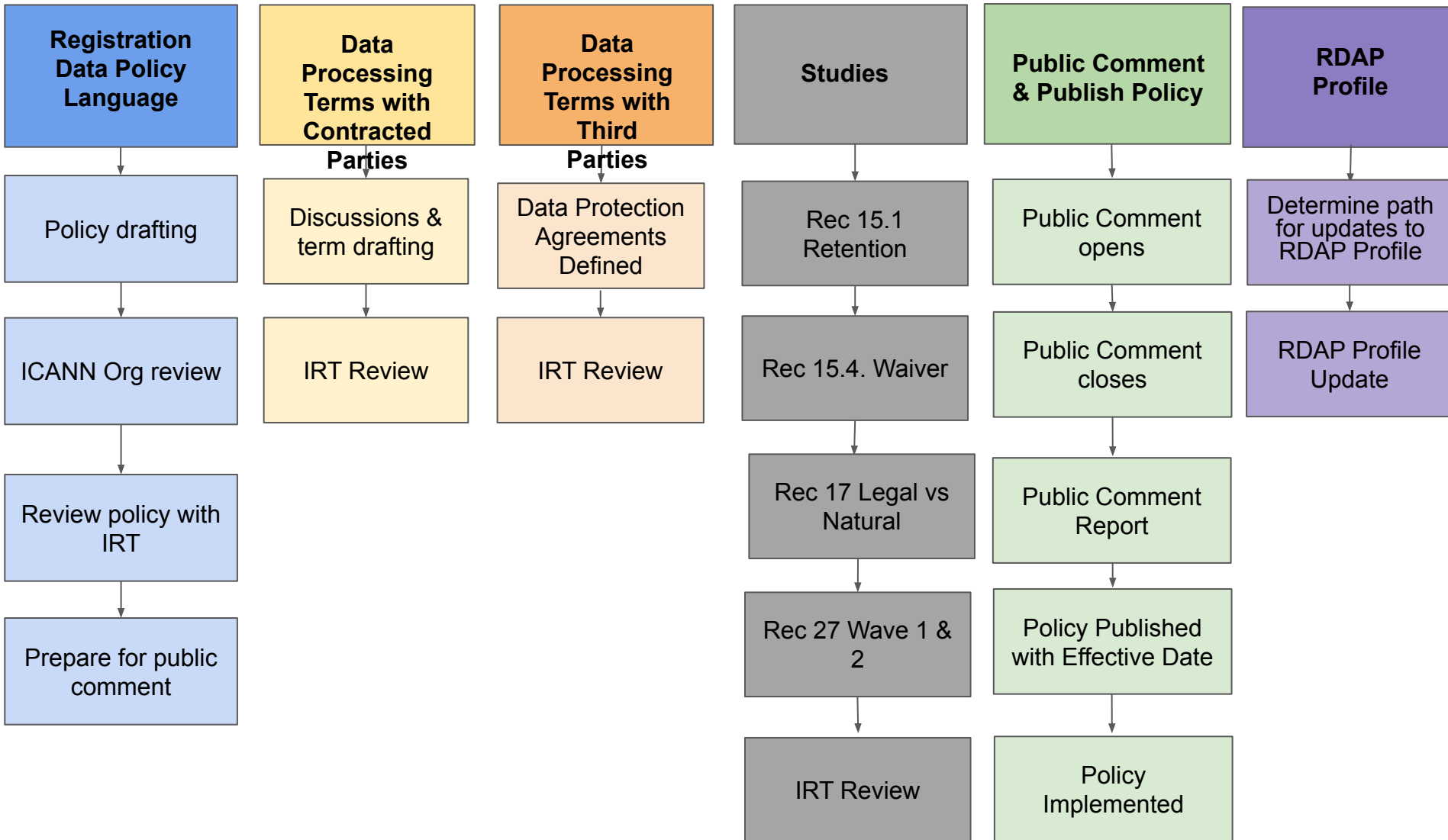
Implementation Timeline Discussion

- Upon assessing the scope of work required by the recommendations, the implementation team concluded that the recommended policy effective date of 20 Feb 2020 is not feasible.
- On 2 October 2019, the GNSO Council Liaison to the IRT communicated this finding to the GNSO Council.
- On 6 January 2020, ICANN CEO sent a letter to GAC regarding the timeline requested in a GAC Advice; recommended that the implementation team continue with the planning work and continue to keep the community informed.
- On 24 September 2020, GNSO Council requested all impacted Policies and Procedures updates to be provided

Implementation Project Team (IPT) Role

1. ICANN org program director builds and leads the IPT and IRT to implement the policy.
2. IPT designs and drafts an implementation plan for IRT review and subsequently for Public Comment.
3. IPT sets clear expectations and deadlines for IRT feedback on the implementation plan.
4. IPT provides regular status updates and shares relevant material with the IRT.
5. IPT in coordination with the IRT conducts appropriate outreach to the community at critical milestones.
6. IPT schedules IRT meetings and proposes agenda.
7. IPT publishes work product on the IRT wiki space.

Remaining Implementation Activities



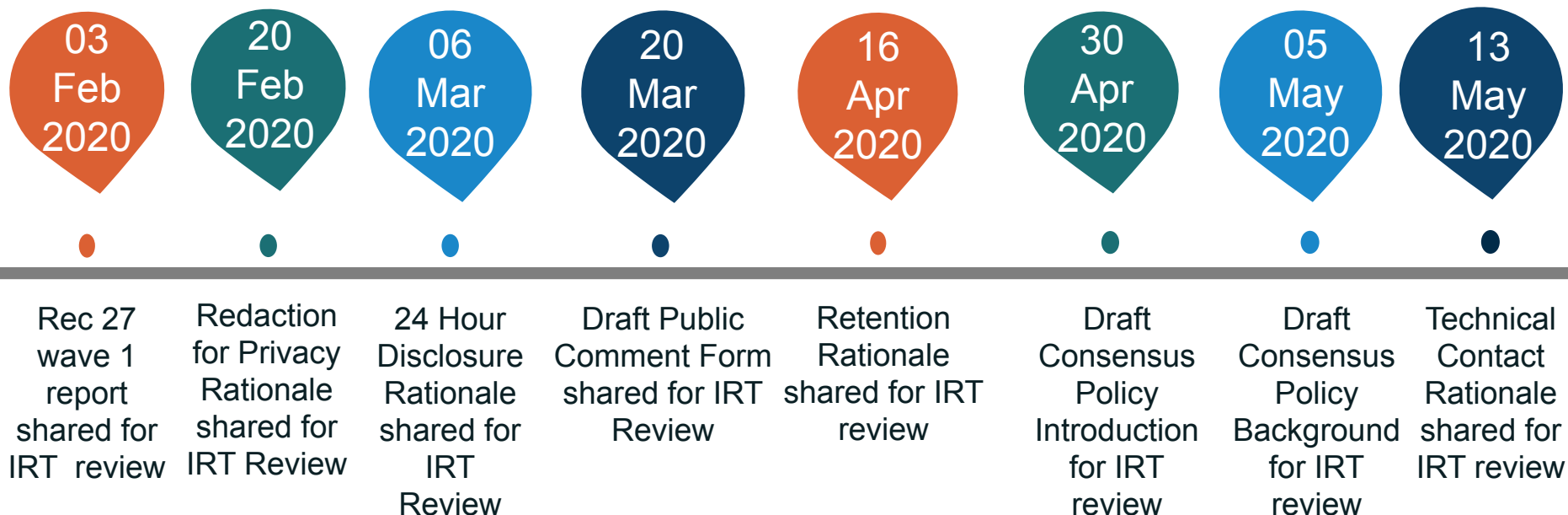
Board Resolution Review

- 15 May 2019: Consideration of GNSO EPDP Recommendations on the Temporary Specification for gTLD Registration Data.
 - <https://www.icann.org/resources/board-material/resolutions-2019-05-15-en#1.b>
- 11 resolutions: (2019.05.15.02) to (2019.05.15.12)
- 27 of 29 recommendations adopted.
- Two recommendations adopted in part:
 - Recommendation 1: Purposes #2
 - Recommendation 12: Org field deletion
- Three categories in Board scorecard:
 - A: Recommendations adopted as is
 - B: Recommendations adopted with comments
 - C: Recommendation not adopted in whole

Registration Data Policy - Work Completed



Registration Data Policy - Work Completed



The Interim Registration Data Policy

- Published on 17 May 2019: Interim Registration Data Policy for gTLDs
 - <https://www.icann.org/resources/pages/interim-registration-data-policy-en>
 - Temporary Spec expired on 20 May 2019.
- Effective on 20 May 2019:
 - Contracted parties must continue to implement measures consistent with the [Temporary Specification for gTLD Registration Data](#) as adopted by the ICANN Board on 17 May 2018.

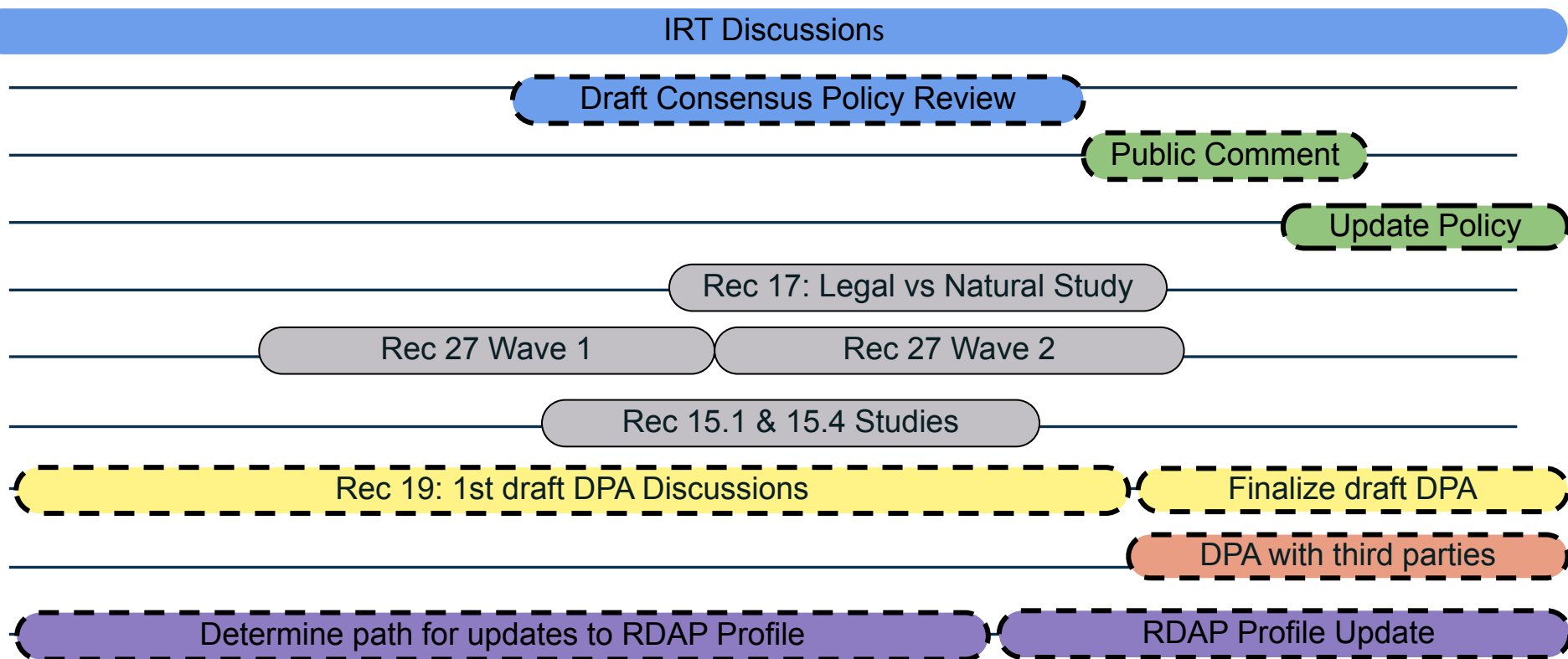
Implementation Team Activities

- The ICANN org and community volunteers are working collaboratively to create an implementation plan
- Implementation team is composed of the ICANN org Implementation Project Team (IPT) and the community Implementation Review Team (IRT)
- Implementation team is supported with 12 core members from ICANN org and 38 IRT members with affiliations including RySG, RrSG, IPC, NCSG, BC, AFRALO, NCUC, ccNSO, APRALO, ISPCP, and GAC.

Policy Implementation Process

1. Study Board Resolutions & PDP Recommendations
2. Determine Implementation Requirements
3. Create Implementation Tasks
 - a. begin first draft of policy language
4. Estimate scope and time of implementation tasks
5. Define Implementation schedule
6. Complete draft requirements to implement policy recommendations (Policy Language)
7. Conduct Public Comment period
8. Review Public Comments and Publish Summary and Analysis Public Comment report
9. Revise implementation plan per public comment
10. Complete consensus policy language
11. Announce and Publish the Policy with Effective Date
 - Implementation activities continues to the policy effective date when implementation is considered complete

Concurrent Implementation Activities



The EPDP Phase 2 team decided that Recommendation 16 study on geographic basis is no longer required; therefore the study has been removed from the IPT task list.

Implementation Team Outstanding Activities

- Outstanding work includes confirming with IRT that proposed implementation is consistent with the policy recommendations.
- Completing the draft of the gTLD Registration Data Policy language and a proposed implementation timeline to be shared for public comment.
- This effort includes deliberation to understand the conflicting interpretation of some of the recommendations
 - Recommendation 7 on Transfer
 - Recommendation 15.2 on Retention
 - Recommendation 11 on Urgent Request