**Items for discussion**

1. **Standardized data element**

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| 1. 90-97 (132-139 in updated version) | SSAC | Ensure the data element can be extensible | New text: This data element should be defined in an extensible way. This field must support enumerated values of “Legal, Natural, and Unknown” but should be able to expand in future to accommodate additional data. | EPDP Team to discuss – is this necessary or it is per definition extensible. If this language is added, it may need to specify who/how extensions are made? |

1. **Footnote 5 “The personal/non-personal distinction only applies/is relevant for registrants who have self-identified as legal persons”.**

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| 1. 167 | IPC | We object to this as a blanket assertion. This could also apply in other situations, including where CPs have a legal obligation to distinguish. | Strike footnote 5. | Change not applied – this footnote was added at the request of the GAC. GAC to confirm whether it can live with the removal of this footnote. |

1. **Background Info D. – GDPR principles that may apply (originally added at the suggestion of the RrSG to account for principles that were not captured in the guidance from the RrSG table)**

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| 1. 200-214 (256-270 in updated version) | IPC, BC, ALAC, GAC | What is the point of this section (D.)? References to “controller” are not helpful as ICANN has recently avoided ‘admitting’ its controllership. Each CP must determine for itself if/how data protection law might impact its processing. This appears to be quasi-legal advice, which should be avoided. We should also avoid paraphrasing the GDPR. | Strike | Action item was assigned to GAC and RrSG Team to review this section and factor in concerns about it. |

1. **New recommendation (LvN guidance):**

[5. If the Registrants identify as legal persons and confirm that their registration data does not include personal data, then Registrars must publish the Registration Data in the publicly accessible Registration Data Directory Services.]

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| 1. 288 (new guidance) (346-348 in updated version) | RySG | As previously noted the RySG is opposed to including information about the type (legal/natural) of registration in the public RDDS. Notwithstanding the above note, we do note that the team has not presented any justification as to why publication is necessary or why it serves an important purpose. This inclusion remains indicative as to why the guidance presented is objectively considered ‘bad practice’ when, in the absence of such justifications and strong purposes, an appropriate guidance should, in fact, discourage such publication. | if not deleted (as above) then we suggest change/addition: Registrars who choose to differentiate between legal and natural registrations SHOULD NOT include that information in the public RDDS. | EPDP Team to discuss – the proposed change would change the intent of the proposed language to the opposite. |
| 1. 288 | BC, ALAC, GAC | Formatting  ALAC Note: It is unclear why there are square brackets. If a registrant has self-declared and confirms no personal data, there is no reason not to mark the registration as such. This is comparable to the Phase 1 Rec. #6 REQUIREMENT that a registrant be allowed to specify that their data not be redacted. | remove square brackets | Change not applied yet – awaiting input from others. As noted in the instruction email, this language is in brackets because it was proposed after the deadine for input. |
| 1. 288-290 | NCSG | 1. The team has not agreed on the way of disclosing the data.   The guidance is not a requirement. We should avoid mandatory languages such as ‘must’. | Remove text marked in yellow | EPDP Team to discuss |

1. **Web-form proposal (circulated on the mailing list):**

Recommendation  
  
The Phase 1 Recommendation 13 should be amended to include:  Should a Registrar choose to use a web form, that form must allow at the requester to specify the Subject of the email to be send (up to 64 characters) and a free-form text message of up to 512 characters to be included in the communication to the registrant.

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| 1. 391 | IPC | Include the BC/ALAC proposal | Add the proposal in its entirety in this section. | There does not seem to be support for inclusion of this proposal based on feedback on the mailing list. EPDP Team to discuss. |
| 1. 524 | ALAC, IPC | Many web forms do not allow functional communications with the registrant. It has been suggested that this matter be referred to the Phase 1 IRT, but without a recommendation saying that the policy may set web form content, there is no way for the IRT to establish such enforceable rules. | Add:  As it stands, the EPDP Recommendation #13 which is supposed to facilitate communications with the registrant does not achieve its goal. Many registrars are using web forms, and in many cases, they are effectively useless. As an example, one common example is a form that simply lets the requestor select one of three messages (Domain name or content is being used in malware, or for spam or abuse; Domain name or content is infringing on a trademark or violating local laws or regulations; or Research or other purpose).  Since this Initial Report is not recommending that emails addresses of some form be published in the public RDDS, it is important to ensure that the web form allows sufficient communications with the registrant. As it stands, the EPDP Recommendation #13 which is supposed to facilitate communications with the registrant does not achieve its goal. Many registrars are using web forms, and in many cases, they are effectively useless. As an example, one common example is a form that simply lets the requestor select one of three messages (Domain name or content is being used in malware, or for spam or abuse; Domain name or content is infringing on a trademark or violating local laws or regulations; or Research or other purpose).  Accordingly, the EPDP Team recommends:  Preliminary Recommendation #4  The Phase 1 Recommendation 13 should be amended to include: Should a Registrar choose to use a web form, that form must allow the requester to specify, at a minimum, the Subject of the email to be sent (up to 64 characters) and a free-form text message of up to 512 characters to be included in the communication to the registrant. | Change not applied yet – objections raised on the mailing list to add this recommendation. EPDP Team to discuss. |
| 1. NOT YET INCLUDED | RySG | Noting the discussions relating to webforms, in the interest of time, the RYSG would like to preempt any inclusion of this concept, purporting to dictate what should be included in any such webforms.  We have not been tasked with the consideration of webforms by the GNSO. The deliberations of the team have been limited intentionally by the GNSO, and we have provided an answer to the GNSO question posed - i.e. that consensus is not likely on whether a policy change regarding feasibility of unique contacts (whether anonymized or pseudonymized) is appropriate.  The RYSG does not agree with the assertion made by our colleagues, that this lack of consensus on the feasibility of unique contacts, somehow results in leaving ‘webforms’ as the singular option for Recommendation 13 i.e. ‘to facilitate email communication with the relevant contact’ . To clarify, our lack of consensus is NOT a statement that such means or methods cannot be used, but rather that ICANN should not insist on prescribing the means by which unique contacts MUST be used, and subsequently enforcing such expectations on contracted parties. As we have always maintained, CPs should be free to control their own risk in the application of such a choice as presented in Rec 13; this freedom supports innovation and problem solving at source, by experts in the field. As such, stating that as a result of our lack of consensus in the task at hand, that this somehow results in rendering webforms as the only viable option within recommendation 13, is simply incorrect.   1. Noting this, the RYSG does not support any unilateral modification to the scope of Phase 2a in the manner described. Notwithstanding this, and even were it to be an option, we still do not find any compelling reasons, based on the arguments made, to even suggest including webforms in our scope. |  | EPDP Team do discuss |

1. **New recommendation (feasibility)**

[Registrars are encouraged to publish the following in the publicly accessible Registration Data Directory Services (RDDS): A Registrant-based email contact where the Registrar can ensure appropriate safeguards for the data subject in line with relevant guidance on anonymisation techniques provided by 516 their data protection authorities and the appended legal guidance in this recommendation.]

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| 1. 513-517 (579 – 583 updated version) | RySG | The RySG disagrees with the text. This was not discussed or agreed to by the working group. | Delete text | EPDP Team to discuss |