| **ICANN Purpose:** Establish the rights of a Registered Name Holder in a Registered Name and ensuring that the Registered Name Holder may exercise its rights in respect of the Registered Name  A  (Purposes by Actor (A))(TempSpec - 4.4.1) (GINA SCRIBE) | |
| --- | --- |
| **Lawfulness of Processing**:  Art. 6.1(b): processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.  Art. 6.1(f): processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.  ~~Art. 6.1(a): Consent - the data subject has given consent to the processing of his or her personal data for one or more specific purposes.~~  Data fields accurate, except state / province and postal code, only if applicable; Remove FAX | |
| |  |  | | --- | --- | | **Data Elements Collected or Generated - Pre GDPR** | **Fields to be Collected** | | **Lawfulness of Processing Questions** |
| |  |  | | --- | --- | | **Source:** Registrar Data Escrow Specifications | | | Domain Name | 1 | | Registry Domain ID | - | | Registrar Whois Server | 1 | | Registrar URL | 1 | | Updated Date | 1 | | Creation Date | 1 | | Registry Expiry Date | 1 | | Registrar Registration Expiration Date | 1 | | Registrar | 1 | | Registrar IANA ID | 1 | | Registrar Abuse Contact Email | 1 | | Registrar Abuse Contact Phone | 1 | | Reseller | 1 | | Domain Status | 1 | | Registry Registrant ID | - | | Registrant Fields |  | |        Name | 1 | |        Organization (opt.) | (1) | |        Street | 1 | |        City | 1 | |        State/province | 1 | |        Postal code | 1 | |        Country | 1 | |        Phone | 1 | |        Phone ext (opt.) | (1) | |        Fax (opt.) | ~~(1)~~ | |        Fax ext (opt.) | ~~(1)~~ | |        Email | 1 | | 2nd E-Mail address | - | | Admin ID | - | | Admin Fields |  | |        Name | 1 | |        Organization (opt.) | (1) | |        Street | 1 | |        City | 1 | |        State/province | 1 | |        Postal code | 1 | |        Country | 1 | |        Phone | 1 | |        Phone ext (opt.) | (1) | |        Fax (opt.) | ~~(1)~~ | |        Fax ext (opt.) | ~~(1)~~ | |        Email | 1 | | Tech ID | - | | Tech Fields |  | |        Name | 1 | |        Organization (opt.) | (1) | |        Street | 1 | |        City | 1 | |        State/province | 1 | |        Postal code | 1 | |        Country | 1 | |        Phone | 1 | |        Phone ext (opt.) | (1) | |        Fax (opt.) | ~~(1)~~ | |        Fax ext (opt.) | ~~(1)~~ | |        Email | 1 | | NameServer(s) | 1 | | DNSSEC | 1 | | Name Server IP Address | 1 | | Last Update of Whois Database | 1 | | Other Data: |  | |        Field 1 | - | |        Field 2 | - | |        Field 3 | - | |        Field 4 | - | |        Field 5 | - | | **1) If the purpose is based on an ICANN contract, is this lawful as tested against GDPR and other laws?** |
| 6.1(b): YES, it applies. based on ICANN requirement that registrar / registrar contract with registrant. Can we rely on this, if not, then 6.1(f) |
| **2) Is the purpose in violation with ICANN's bylaws?** |
| No, it is not in violation of ICANN’s bylaws |
| **3) Data Required for purpose of whom?** |
| Registrar  Registry |
| **4) Is the processing necessary to achieve the purpose?** |
| Agree that the Registrar Data (above the gray box) are necessary.  Agree: NameSErver, CNSSEC, Namer Serive IP Address; Last Update of Whois  UNDECIDED re: REGISTRANT (Admn + Tech):  Group Discussion -- ICANN fundamental discussion…does ICANN only need the minimum necessary? ICANN is the body that supervises and supports the market place. There is a need for a record of who owns.  Needs to be able to confirm the registrant to secure the rights. |
| **5) Do Data Elements require transfer to meet the purpose? (Charter Questions 2c, 2d, 2e, 2i)** |
| No. |
| **6) Publication of data by Registrar/Registry required to meet the purpose? (Charter Question 2f)** |
| Publication of selective elements would be allowed, tentative elements (legal person – unsure which field; natural personal - unique identifier -new data field)  Discussion:  *Reminder:* In the GDPR, the controller doesn’t necessarily have the data. Question is should ICANN mandate the publication?  Does ICANN Purpose “C” on contact serve as the primary purpose?  Does registry serve as the owernship record? |
| **7) Are there any “picket fence” considerations related to this purpose?** |
| Yes, related to WHOIS which is within the Picket Fence |
| **8) What are the data retention requirements to meet the purpose? (Charter Question 2g)** |
| Varies by country.  **Must go beyond the life of registration for a certain time period, time varies (some suggest 2 years as reasonable amount) .** Once the contract is completed, how long you can hold on to the data (without the contract purpose) varies by contract or country. |
| **9) Additional information needed to adequately document the purpose?** |
| Need to discuss implications for natural or legal person. |

Chain of Custody:

* RAA - <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en>
* Temp Spec: Section 4.4.1