

Cross-Community Session: GDPR & Whois

Agenda:

Introductions and Setup (5 min)

Goran describes process to finalize Interim Model (5 min)

John Jeffrey describes Proposed Interim Model (10 min)

7 Community panelists discuss gaps and concerns about the Proposed Interim Model and process (45 min)

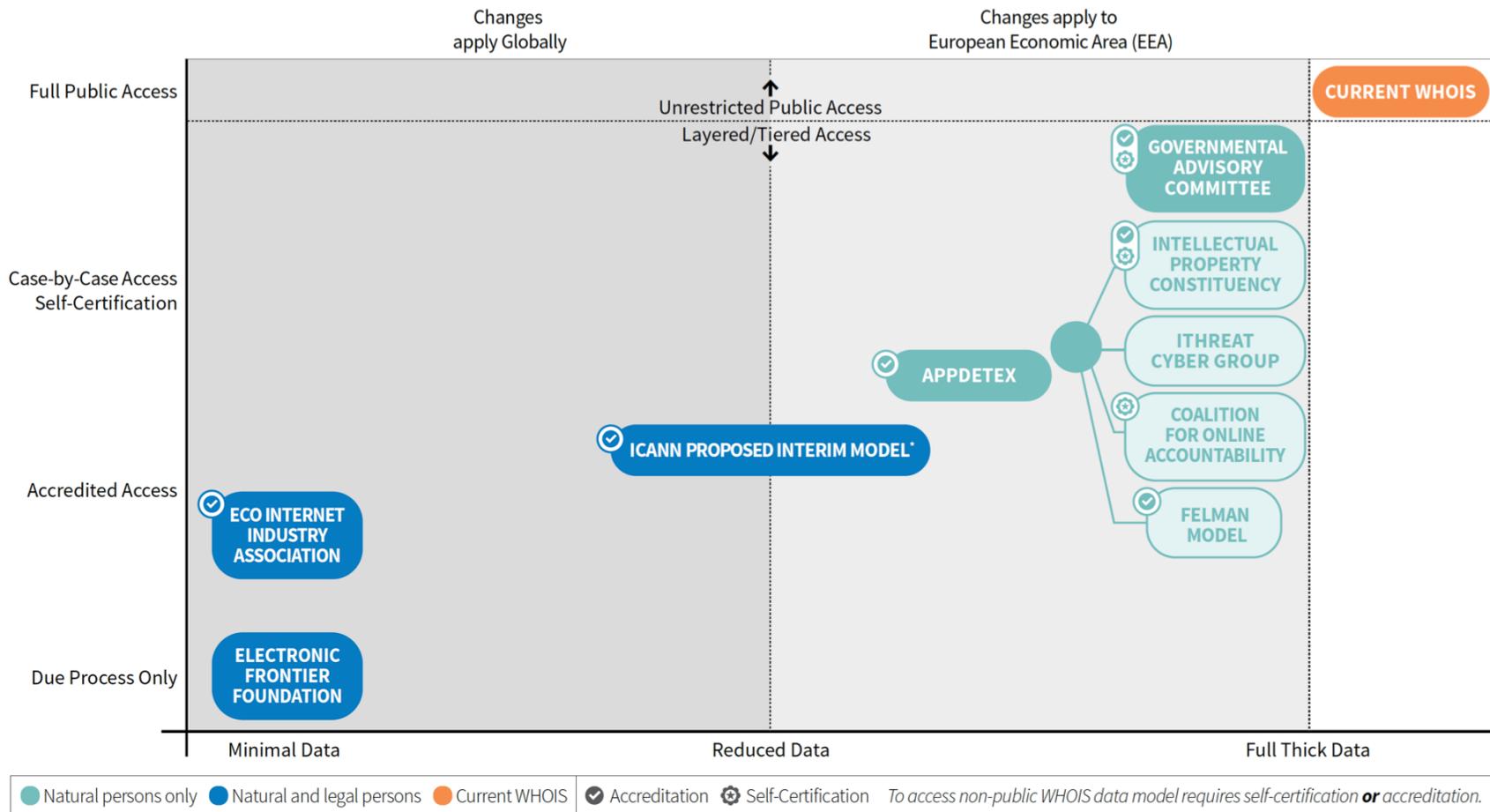
Reminder about community-driven processes that would replace the Interim Model (5 min)

Community Discussion (20 min)

Cross-Community Session: **GDPR & Whois**

- **Goran Marby** and **John Jeffrey**, ICANN
- **Nick Wenban-Smith**, Nominet
- **Thomas Rickert**, eco -- Association of the Internet Industry
- **Cathrin Bauer-Bulst**, European Commission
- **Patrick Charnley**, Coalition for Online Accountability
- **Tim Chen**, Domain Tools
- **Stephanie Perrin**, Non-Commercial Stakeholders Group (NCSG)
- **Alan Greenberg**, ALAC Chair
- **Steve DelBianco**, NetChoice [moderator]

Proposed Interim GDPR Compliance Models and Selected Community Input (Working Draft)



*: ICANN Proposed Interim Model **must** be applied to registrations with a nexus to the EEA and **may** be applied to all registrations globally.

More on the cited models, including community comments at: <https://go.icann.org/gdprlegal>

ICANN Interim Compliance Model: Key Elements

Data Collection, Processing, and Retention	
Collection from Registrant to Registrar	Full Thick data
Data Transfer from Registrar to Registry	Full transfer of data collected
Data Transfer to Escrow Agents	Full transfer of data collected
Data Retention	Life of registration + 2 years (Note: existing waivers for European registrars would be preserved)
Applicability	
Must Model be applied globally or only to European Economic Area?	Must be applied to EEA, may be applied globally, subject to a data processing agreement between ICANN and the contracted parties
Registrant Types Affected	Registrations of natural and legal persons

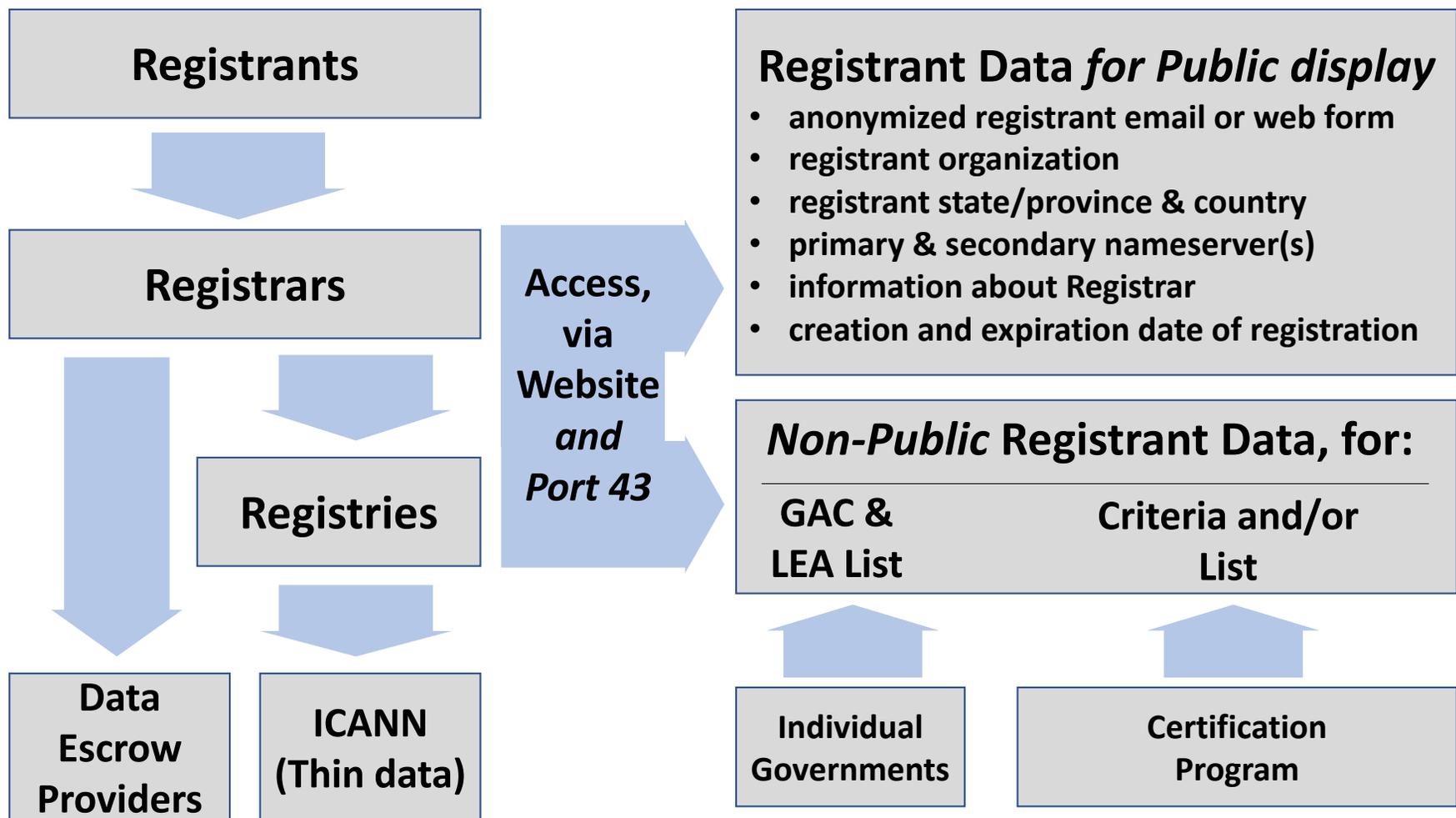
ICANN Interim Compliance Model: Key Elements

Layered/Tiered Access to WHOIS Data: Public WHOIS	
Registrant Name in Public WHOIS?	Only Registrant Organization (if applicable) in public WHOIS (not Registrant Name)
Registrant Postal Address in Public WHOIS?	Only Registrant State/Province and Country in public WHOIS (not Registrant street, city, postal code)
Registrant Email in Public WHOIS?	Create anonymized email or a web form to contact registrant
Registrant Phone and Fax in Public WHOIS? Admin & Tech Contact Names in Public WHOIS? Admin & Tech Contact Postal Addr Publi?	No
Admin & Tech Contact Email in Public WHOIS?	Create anonymized email or a web form to contact Admin and Tech contacts
Admin & Tech Contact Phone Public WHOIS?	No
Registrar Must Offer Registrant an Opt-in to Publish Additional Data in Public WHOIS?	Yes

ICANN Interim Compliance Model: Key Elements

Layered/Tiered Access to WHOIS Data: Non-Public WHOIS

Self-certification Access to Non-public WHOIS?	No. Create anonymized email address or a web form to contact registrant or due process
Accreditation Program for Access to Non-public WHOIS?	Yes, in consultation with the GAC. Individual countries to provide GAC a list of authorized law enforcement and other governmental authorities to have access. GAC to develop code of conduct for non-law enforcement agencies to abide by for access to non-public WHOIS data



in·ter·im *adjective*, for the intervening period; provisional or temporary

ICANN acknowledges the **interim** model *will not replace multistakeholder policy development and implementation activities underway, including:*

1. efforts to enhance **privacy & proxy** services available to registrants;
2. updates to ICANN's **Procedure for Whois conflicts with Privacy Law**; and
3. **development of a new policy framework** to support potential next-generation registration directory services

Context & Timeline

