

Data Protection/Privacy Update Webinar

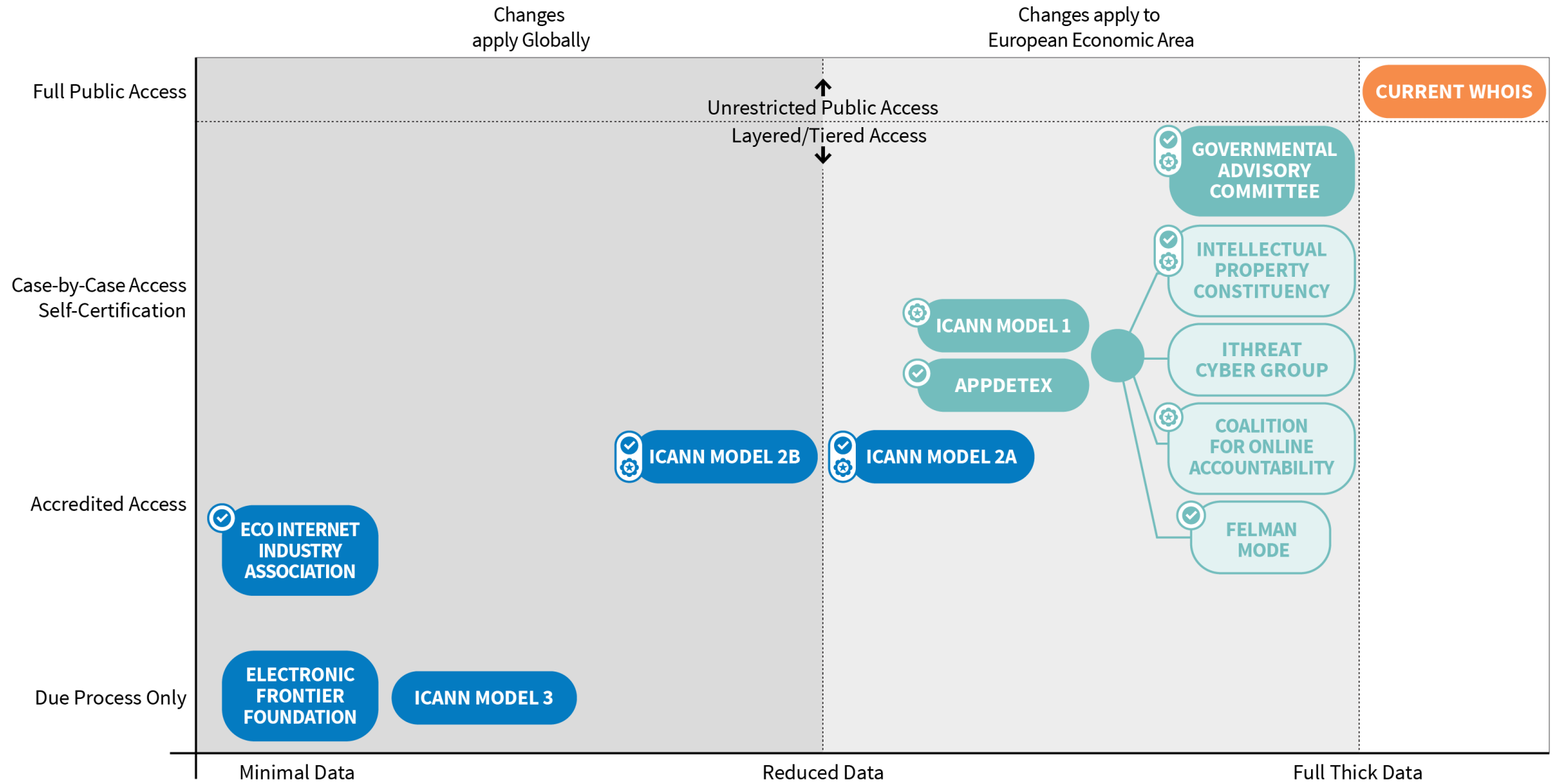


2 February 2018

Comment Type	Total
Comments on ICANN-Proposed Models & Community-Submitted Models	65 (60 published, 1 pending publishing confirmation, 4 not published by request)
Comments on Hamilton Legal Analysis	9

<https://www.icann.org/resources/pages/gdpr-legal-analysis-2017-11-17-en>

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



● Natural persons only
 ● Natural and legal persons
 ● Current WHOIS
 ✔ Accreditation
 ⚙ Self-Certification
 To access non-public WHOIS data model requires self-certification **or** accreditation.

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

**Working Draft Non-Paper --
Selected Interim GDPR
Compliance Models &
Comments**

as of 1 February 2018

Orange = More substantial change from status quo Green = Greater preservation of status quo

	ECO	Electronic Frontier Foundation	ICANN Model 3	ICANN Model 2B	ICANN Model 2A	AppDetex	ICANN Model 1	IPC	GAC	iThreat	Coalition for Online Accountability	Felman	
Data Collection, Processing, and Retention													
Collection from Registrant to Registrar	Minimal data collected from registrant - do not collect Admin and Tech contact info	Full Thick Data										Full Thick Data, except no registrant email address	Unclear, but implies full collection of Thick Data. ICANN Org or its agent would have some role in redaction of personal data.
Data Transfer from Registrar to Registry	Must transfer Thin data. Permits, but does not require, transfer of registrant data	Full transfer of Thick Data										Not addressed by model	Unclear, but implies full transfer of Thick data. ICANN Org or its agent would have some role in redaction of personal data.
Data Transfer to Escrow Agents	Registrar: transfer Minimal data collected Registry: transfer Thin data + registrant data if received from registrar	Full transfer of existing registration data										Not addressed by model	Registrants who are natural persons would have data transferred by ICANN to data escrow agent
Data Retention	Eliminate ICANN data retention requirements	Life of registration + 60 days	Life of registration + 60 days	Life of registration + 1 year	Life of registration + 1 year	Life of registration + 2 years	Life of registration + 2 years (Note: existing 1-year waivers for European registrars would be preserved)	Life of registration + 2 years	Life of registration + at least 2 years	Not addressed by model	As long as needed to fulfill specified purposes	Not addressed by model	
Applicability													
Must Model be applied globally or only to European Economic Area?	Global [Note: Unclear, but seems to imply global applicability.]	Global	Global	Global	European Economic Area only	European Economic Area only	European Economic Area only	European Economic Area only	European Economic Area only	European Economic Area only	European Economic Area only	European Economic Area only	
Registrant Types Affected	Registrations of natural and legal persons	Registrations of natural and legal persons	Registrations of natural and legal persons	Registrations of natural and legal persons	Registrations of natural and legal persons	Registrations of natural persons only	Registrations of natural persons only	Registrations of natural persons only	Registrations of natural persons only	Registrations of natural persons only	Registrations of natural and legal persons	Registrations of natural and legal persons	
Layered/Tiered Access to WHOIS data	Yes, two layers/tiers (Public WHOIS and Non-Public WHOIS)												
<i>Public WHOIS</i>													
Registrant Name in Public WHOIS?	No	No	Yes, except no personal data	No	No	No	No	Yes	Yes	Yes	Yes, except natural persons may opt-out of publishing personal data	Yes, except no personal data	Yes, but registrants may apply to ICANN for approval to redact personal data
Registrant Postal Address in Public WHOIS?	No	No	Yes, except no personal data	No	No	No	No	Yes	Yes	Yes	Yes, except natural persons may opt-out of publishing personal data. However, must publish state/province and country	Yes, except no personal data	Yes, but registrants may apply to ICANN for approval to redact personal data
Registrant Email in Public WHOIS?	No	No	Yes, except no personal data	No	No	No	No	No	Yes	Yes	Yes, except natural persons may opt-out of publishing personal data	Yes, except no personal data	Yes, but registrants may apply to ICANN for approval to redact personal data

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	ECO	Electronic Frontier Foundation	ICANN Model 3	ICANN Model 2B	ICANN Model 2A	AppDetex	ICANN Model 1	IPC	GAC	iThreat	Coalition for Online Accountability	Felman
18	No	No	Yes, except no personal data	No	No	No	No	No	Yes, except no personal data	Yes, except natural persons may opt-out of publishing personal data	Yes, except no personal data	Yes, but registrants may apply to ICANN for approval to redact personal data
19	No	No	Yes, except no personal data	No	No	No	No	No	Yes, except no personal data	Yes, except natural persons may opt-out of publishing personal data	Yes, except no personal data	Yes, but registrants may apply to ICANN for approval to redact personal data
20	No	No	Yes, except no personal data	No	No	No	No	No	Yes, except no personal data	Yes, except natural persons may opt-out of publishing personal data. However, must publish state/province and country	Yes, except no personal data	Yes, but registrants may apply to ICANN for approval to redact personal data
21	No	No	Yes, except no personal data	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes, except no personal data	Yes, but registrants may apply to ICANN for approval to redact personal data
22	No	No	Yes, except no personal data	No	No	No	Yes	Yes	Yes	Yes, except natural persons may opt-out of publishing personal data	Yes, except no personal data	Yes, but registrants may apply to ICANN for approval to redact personal data
23	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not addressed by model	Yes	Yes	Yes
24	<i>Non-Public WHOIS</i>											
25	No. Create anonymized e-mail address or a web form to contact registrant	No. Access via legal due process only	No. Access via legal due process only	Yes on interim basis, subject to registry/registrar balancing of requestor's legitimate interest against data subject's rights/freedoms	Yes on interim basis, subject to registry/registrar balancing of requestor's legitimate interest against data subject's rights/freedoms	No. Create anonymized e-mail address or a web form to contact registrant	Yes, subject to registry/registrar balancing of requestor's legitimate interest against data subject's rights/freedoms	Yes, for blanket access (no balancing required) unless limited exceptions apply	Yes on interim basis, for blanket access (no balancing required) unless limited exceptions apply	Not addressed by model	Yes, subject to registrant's right to object to providing Non-Public WHOIS data	No
26	Yes, accreditation program for limited user groups	No. Access via legal due process only	No. Access via legal due process only	Yes, accreditation program to be developed in consultation with the GAC	Yes, accreditation program to be developed in consultation with the GAC	Yes, accreditation program similar to Expert Working Group recommendations (access given at level appropriate for each user and stated purpose)	No	Yes	Yes, accreditation program to be developed in consultation with the GAC and other stakeholders	Not addressed by model	No	Yes, accreditation program based on existing processes of EU ccTLDs

Questions and Answers

Please submit your question via the Adobe chat room.