

Webinar: Data Protection/Privacy Activities



04 October 2017

The ICANN
Organization's
Focus with Respect
to GDPR

Recap of Recent
Activities

Update on Legal
Analysis

ICANN60 Session in
Abu Dhabi

Community Updates
on GDPR and Q&A

The ICANN Organization's Focus with Respect to GDPR

ICANN's Responsibilities Under the Bylaws

- "Subject to applicable laws, ICANN shall use commercially reasonable efforts to enforce its policies relating to registration directory services and shall work with Supporting Organizations and Advisory Committees to explore structural changes to improve accuracy and access to generic top-level domain registration data, as well as consider safeguards for protecting such data."
- Section 4.6(e)(i) "Notably, this requirement to enforce WHOIS policies is "subject to applicable laws."

ICANN: Preparing for the GDPR

- ⦿ Closely monitoring global data protection/privacy developments.
- ⦿ Engaging with contracted parties, the European community and data protection agencies, and other pertinent stakeholders
- ⦿ The ICANN organization's work in this area does not replace existing policy development work
- ⦿ European Data Protection Authorities will interpret and enforce the regulation, and European courts will resolve any disputes

ICANN: Preparing for the GDPR

- ⦿ Published user stories' matrix and high-level summary of personal data contracted parties collect, transmit, or publish
 - Matrix data is used to inform discussions with relevant parties
 - Compliance with local laws is expressed or implied in ICANN agreements with contracted parties
 - Individual entities including contracted parties need to make their own decisions regarding legal obligations related to GDPR

Recap of Recent Activities

Engagement

- ⦿ Engage with contracted parties, the European Commission, DPAs, and other pertinent stakeholders (in and beyond the EU) to better understand relevant aspects of GDPR implementation
- ⦿ Foster a better understanding on various subjects to inform discussions about the implications of GDPR on ICANN and its contracts
 - ICANN's remit and bottom-up, multistakeholder, consensus-based policymaking and processes (mission, role, processes, policy development process, impact of applicable laws in ICANN policies)
 - Privacy/data protection-related work at ICANN, notably WHOIS, the RDS PDP etc.
 - The matrix information-gathering exercise

Update on Legal Analysis

Legal Analysis

- ⦿ Engaged European law firm Hamilton to assist with the legal analysis of uses of WHOIS data
 - Experience working with European DPAs
- ⦿ Analysis is intended to serve as building block as input into community discussions; does not replace the need for community discussions about how to approach this issue in the ICANN space
- ⦿ Iterative approach with initial phase expected to be ready to share with the community prior to ICANN60
- ⦿ Welcome feedback from the community on questions to be asked
- ⦿ List of background information provided to Hamilton published at <https://www.icann.org/dataprotectionprivacy>

ICANN60 Session in Abu Dhabi

Cross-Community Session @ ICANN60

- ⦿ At the request of the Business Constituency, a cross-community session is scheduled in Abu Dhabi on Thursday 2 November at 10:30am to work with the community on preparations.
- ⦿ Additional details about the format and key objectives of this session will be available shortly.

Community Updates on GDPR Activities and Q&A

Engage with ICANN



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