Data Protection & Privacy Activities

Preparing for the General Data Protection Regulation (GDPR)

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CENTR Registrar Day
3 October 2017
About the General Data Protection Regulation (GDPR)

- The European Union’s (EU’s) GDPR aims to protect EU citizens and residents from privacy and data breaches (takes effect on 25 May 2018)

- “The Regulation is an essential step to strengthen citizens’ fundamental rights in the digital age and facilitate business by simplifying rules for companies in the Digital Single Market”.

- Applies to all companies processing and holding the personal data of subjects residing in the EU, regardless of the company’s location

- Failure to comply may result in substantial fines

- European Data Protection Authorities will interpret and enforce the regulation, and European courts will resolve any disputes

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- The GDPR could affect ICANN in at least 2 areas:
  - 1) Contracted Parties: Personal data that participants in the domain name ecosystem collect, display, and process, including registries and registrars pursuant to ICANN contracts
  - 2) Internal: Personal data that ICANN collects and processes for internal or external services

- Closely monitoring global data protection/privacy developments, including in other (non EU) jurisdictions

- Engaging with contracted parties, the European community, data protection agencies, and other pertinent stakeholders including law enforcement and the IP community to better understand the relevant aspects regarding GDPR
ICANN: Preparing for the GDPR

- **Contracted Parties Activities:**
  - Published matrix and high-level summary of personal data contracted parties collect, transmit, or publish
  - Matrix data used to inform discussions with relevant parties
    - European law firm, Hamilton Advokatbyrå, engaged to assist with legal analysis
    - Data will be used in discussions with data protection agencies and 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
    - The ICANN organization’s work in this area, does not replace existing policy development work, including that of the Registry Directory Service (RDS) group.

- **Internal Activities:** ICANN is reviewing its processes around potentially impacted data and updating any procedures as needed
Engagement

Engaging with contracted parties, the European Commission, data protection authorities, and other pertinent stakeholders (both in and beyond the EU)

- To better understand the relevant aspects and dynamics of GDPR implementation

- To inform discussions about the implications of GDPR on ICANN and its contracting parties, by fostering understanding of:
  - ICANN’s remit and bottom-up, multi-stakeholder, consensus-based policymaking and processes (ICANN’s mission, role and processes; how are ICANN’s global policies developed; reconciling global-level policies with applicable laws)

  - Privacy- and data protection-related work at ICANN, notably WHOIS, its uses and purposes; the RDS PDP; other relevant current processes;

  - Current work on assessing GDPR impact on ICANN this year, including GDPR-themed sessions at ICANN58 and 59, the Matrix information gathering exercise

- To prepare for further engagement with the DPA community after release of legal report and ICANN60
Engagement activities

- Communications with DPAs / officials (e.g. letter on the Matrix; introductory contacts)

- Raising awareness as part of events such as:
  - A briefing for group of DPAs on ICANN’s work on GDPR impact as part of the CoE Data Protection Committee (Convention 108) meeting 13 September
  - Theresa Swinehart and Board Member Becky Burr speaking on a panel at the annual *International Conference of Data Protection and Privacy Commissioners* in Hong Kong on 27 September
  - ICANN at GDPR-related panel during CENTR Registrar Day, Brussels, 3 October
  - ICANN at panel on data protection and data economy, annual conference of the International Institute of Communications (IIC), Brussels, 12 October
  - ICANN speaking at the Annual European Privacy Congress in Madrid on 17 October
Resources

- European Commission

- ICANN Data Protection/Privacy page
  - https://www.icann.org/dataprotectionprivacy
  - Includes links to updates, blogs, community activities, meetings, work sessions and more.

- Matrix

- Contact ICANN
  - Email globalsupport@icann.org
  - Contact someone in the Global Support center: https://www.icann.org/resources/pages/customer-support-2015-06-22-en