

2 June 2022

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Directorate-General for Communications Networks, Content and Technology (CNECT),
European Commission
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Ms Monique PARIAT
Director-General
Directorate-General for Migration and Home Affairs (HOME), European Commission
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Ms Ana GALLEGO
Director-General
Directorate-General for Justice and Consumers (JUST), European Commission
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Dear Mr Roberto Viola, Ms Monique Pariat, Ms Ana Gallego,

In follow-up to discussions at ICANN73, ICANN org would like to solicit your help with introducing the issue of registration data accuracy and, in particular, steps that can be taken within the boundaries of the GDPR, to the level of the European Data Protection Board (EDPB) in accordance with Article 64(2) General Data Protection Regulation (GDPR).

Registration data accuracy is a matter of critical importance for the security and stability of the domain name system. In light of the ICANN community discussions on the matter, the ICANN Board has instructed ICANN org to investigate whether it is possible under the law to take additional steps in furtherance of enhancing registration data accuracy.

In your [letter of 18 December 2020](#), you expressed your commitment to facilitate ICANN org interactions with the European Data Protection Authorities and mentioned that you were discussing the opportunity to formally consult the EDPB, but we have not yet heard from you on the path forward. At this stage, ICANN org requests that the European Commission confirm its willingness to help in facilitating this consultation.

Through this consultation, ICANN org will seek guidance concerning the steps ICANN org can take to verify and improve the accuracy of gTLD registration data, for the benefit of all stakeholders, including data subjects, law enforcement, cybersecurity researchers, and intellectual property holders, within the bounds of the GDPR. As the Commission stated in its 18 December 2020 letter to ICANN org, registration data accuracy “is of prime importance for the purpose of maintaining a secure and resilient DNS-a purpose which is also stated in ICANN’s Bylaws.”

At our 14 February 2020 meeting concerning the [“Exploring a Unified Access Model for gTLD Registration Data”](#) paper, the Belgian Data Protection Authority (DPA) made clear its stance that it is not in the position to give definitive opinions on our questions on its own. The Belgian DPA urged the European Commission representatives present at the meeting to introduce such issues to the EDPB in accordance with Article 64(2) GDPR. Thus, ICANN org now seeks your confirmation that the Commission is willing to facilitate this formal consultation.

For this consultation, ICANN org plans to assess the data protection impacts and identify questions related to steps that ICANN org could take in furtherance of registration data accuracy. This assessment is currently underway and is expected to identify specific issues and questions related to the GDPR that will benefit from an opinion of the EDPB. As regards possible specific steps that ICANN org could take in furtherance of registration data accuracy at this stage, ICANN org has identified a few possible approaches, such as (1) analyzing a sample of gTLD registration data, including non-public registrant contact data provided to ICANN org by registrars, to assess the data’s accuracy, and/or (2) conducting a proactive Contractual Compliance audit of registrars’ compliance with registration data validation and verification requirements, which could in some cases involve the processing of personal data in registration data by ICANN org. At this stage, it is unclear however whether or not ICANN org has, based on its purpose to ensure the stability and security of the domain name system (DNS), a legitimate interest that is proportionate, i.e., not outweighed by the privacy rights of the individual data subject(s), to proceed with this processing.

The ICANN community is also considering additional policy work in this area, which could result in new policy requirements concerning registration data accuracy for gTLD registrars. It is critical to have a clear understanding of the steps that ICANN org could take, within the boundaries of the GDPR, to investigate compliance with and enforce any new accuracy requirements placed on registrars.

We are therefore asking the European Commission to confirm that it will bring this matter to the attention of the EDPB in view of obtaining an opinion from the Board as foreseen by Article 64(2) GDPR, which allows the Commission to request that any matter of general application or producing effects in more than one Member State be examined by the Board with a view to obtaining an opinion. This would be in line with your aforementioned 18 December 2020 letter to ICANN org, in which you stated that the Commission would facilitate interactions with the European DPAs and discuss with the European DPAs the opportunity to formally consult the EDPB in accordance with Article 64(2) GDPR.

Obtaining an opinion from the EDPB will go a long way in enabling ICANN org to take steps to actively facilitate efforts to improve gTLD registration data accuracy. ICANN org is committed to taking all steps within the law to ensure the accuracy of registration data.

Sincerely,



Göran Marby
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers (ICANN)