

**Statement of the Non-Commercial Stakeholder Group on
the EPDP Team Request for Early Input on 31 July 2018**

- 1. Which sections of the Temporary Specification (not including the annex) your respective group supports being adopted as is (no further discussion or modification needed).*

The NCSG is in general agreement with the approach to publication and redaction of registrant data outlined in Appendix A, sections 2.1 – 2.5. We believe that this approach strikes the right balance between registrant privacy rights and open public access to the data needed to fulfill ICANN’s mission.

- 2. Which sections of the Temporary Specification (not including the annex) require modification to receive the support of your respective group. Please provide your rationale for these modifications as well as the nature of the modifications you would like to see made.*

The NCSG is in fundamental disagreement with the discussion of “Lawfulness of Purposes of Processing gTLD Registration Data” in Section 4 of the temporary specification. In particular we propose to delete paragraphs 4.2, 4.3, 4.4.2, 4.4.7, 4.4.8, and 4.5.1. ICANN’s discussion of Whois purpose in this section is overly expansive and not compliant with the advice received from the European Data Protection Board (EDPB) because it confuses the purposes and interests of third parties with those of ICANN itself. As the EDPB wrote to ICANN in its letter dated 5 July 2018, “The EDPB therefore reiterates that ICANN should take care not to conflate its own purposes with the interests of third parties, nor with the lawful grounds of processing which may be applicable in a particular case.”¹ We note that this purpose limitation governs ICANN’s *collection* of data, and that third parties following due process can still gain access to specific instances of the data ICANN does collect for specific legitimate purposes.

¹ <https://www.icann.org/en/system/files/correspondence/jelinek-to-marby-05jul18-en.pdf>

3. *Which sections of the Temporary Specification (not including the annex) you have no strong view about at this point in time.*

On everything not mentioned in #1 or #2 above, the NCSG reserves judgement and awaits further discussion.