Per memory: The next meeting of the Working Group will be held on \*\*\*27 - 28 November 2017\*\*\* (Monday and Tuesday) in Paris (France) at the kind invitation of CNIL. There will be an informal meeting on the evening of \*\*\*Sunday, 26 November 2017\*\*\* (details to be announced).

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The Working Group has been initiated

by Data Protection Commissioners

from different countries in order

to improve privacy and data protection

in telecommunications and media

MINUTES

OF THE 61st MEETING OF THE

INTERNATIONAL WORKING GROUP ON DATA PROTECTION

IN TELECOMMUNICATIONS

on 24 - 25 April 2017 in Washington D.C. (USA)

7. Privacy Issues in ICANN’s “new generation Registration Directory Service” (RDS)

Stephanie Perrin (University of Toronto) reported about recent developments at the ICANN meeting

in Copenhagen. Due to the active attendance of Giovanni Buttarelli (European Data Protection Supervisor),

Wilbert Tomesen (vice chairman of the Dutch DPA) and Joe Cannataci (Special Rapporteur

on the Right to Privacy for the UN) that meeting had been a success. She introduced the revised

draft Working Paper which she had circulated before the meeting (c.f. e-mail of Stephanie Perrin

to the mailing list of 19 April 2017) and pointed to the questions she had enclosed to the this draft

to envision the Copenhagen discussion.

Against this background she stressed that it would be timely to get a Working Paper released prior to

the GDPR becoming effective and asked the participants whether the Working Group was still interested

in the issue and wanted to move it forward. With regard to the catalogue of questions that

Sven Moers had drafted in order to further develop the discussion (cf. e-mail of Meike Kamp to the

mailing list of 17 November 2016) she suggested harmonizing a sort of FAQs that would provide

more detailed instructions to ICANN.

Furthermore she pointed to the current discussion on the so called thick whois. The registry operator

Verisign inc., which was based in Western Virginia, and run about 75% of the generic Top-level Domains

(gTLD) used to have a so called thin registry, meaning that they did not collect a broader set

of data elements such as contact information for the registrant and designated administrative and

technical contacts. Now the registrars in Europe were all excited because as a result of the new policy

Verisign would have to store such data (thick whois) and deal with lawful access requests. This

meant that all of the data of European gTLDs would be moving from Europe to the USA and the registrars

had concerns whether the privacy shield actually worked there. Some registrars even had

decided not to transmit the data because they were running the risks to be fined eventually even if

ICANN was the data controller. She stressed that the ICANN multistakeholder model ran the risk to

become “a Mecca” for law enforcement access that would be illegal within national jurisdictions.

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Peter van der Veen (Netherlands) answered that the Dutch DPA still was committed to work on the

issue. He explained that he had no resources to draft a text but would, however, continue commenting

and supporting the work. He announced to send his comments after the meeting.

Achim Klabunde (EDPS) stressed that every registry would be subject under GDPR in the future.

Guilherme Roschke (FTC) pointed to a recent decision of the European Court of Justice dealing with

the question whether there was a right to be forgotten in company registers (file reference: 398/15,

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62015CJ0398).

Meike Kamp (Berlin) summarized that there was an interest in the issue within the Working Group.

She appealed the participants to support Stephanie in finalizing the draft, since the issue had been

on the agenda for a while and needed progress.

Stephanie Perrin announced to send a revised draft and invited the participants to attend the upcoming

ICANN meeting in Johannesburg in June 2017.

Deadline for circulation of the revised draft: 3rd November 2017.

Please send your comments in due time before this deadline (at the discretion of the rapporteur) to

Stephanie Perrin (stephanie.perrin@mail.utoronto.ca).

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