

ICANN Data Protection Privacy Webinar on 4 October (Unanswered questions)

Q: What will be the impact of General Data Protection Regulation (GDPR) on the WHOIS? As a member of NCSG and very keen to privacy issues, I look forward to the end of this service. What are your comments?

A: Based on initial reviews and communications, including with some data protection agencies, we understand that compliance with GDPR will have an impact on the WHOIS system, and thus the domain name space. The purpose of the current community discussions and legal analysis that we are undertaking is to determine the exact impact.

Q: Is ICANN seeking a GDPR “public interest exemption” for WHOIS? What are the prospects for obtaining that?

A: We expect that this is one of the questions that will be addressed in the current community discussions and legal analysis.

Q: What is the role of the ICANN Chief Privacy Officer in this project?

A: ICANN's Chief Data Protection Officer, Daniel Halloran, will focus on ICANN organization-level data, to ensure ICANN's internal data protection and privacy program is compliant and up to date. He will also advise the ICANN organization on how to best handle and process personal information we collect, as we continue to fulfill our core commitments and obligations and provide both internal and external services in a compliant manner.

This organization-level role is not intended to cover the use of data by registrars and registries under ICANN's contracts, which is part of the broader discussions in ICANN communities relating to the European General Data Protection Regulation and the impact of these regulations on ICANN contracts.

Q: When do we expect the legal analysis to be completed?

A: A draft of the initial phase of the analysis from Hamilton is expected to be shared for community feedback, prior to the ICANN60 meeting in Abu Dhabi, beginning 28 October 2017. We will provide further information during or shortly after the meeting.

Q: Does the European system allow for some type of letter ruling or consent agreement prior to the implementation any ICANN policy regarding GDPR?

A: We expect that this is one of the questions that will be addressed in the current community discussions and legal analysis.

Q: ICANN has repeatedly dodged the question of it being a data controller. What does it make of Wilson Sonsini Goodrich & Rosati's (WSGR's) [response](#) to Q17 re controllers/joint controllers amongst the relevant parties?

A: We expect that this is one of the questions that will be addressed in the current community discussions and legal analysis.