

Göran Marby
ICANN
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RE: Your request for guidance regarding the General Data Protection Regulation (GDPR) and its impact on the Domain Name System and WHOIS

Dear Mr Marby,

I refer to your letter of 26 March 2018, with information about the ongoing work of ICANN in order to comply with the GDPR and a request for guidance from Data Protection Authorities in this respect.

We have taken good note of the Interim Model for Compliance with ICANN Agreements and Policies in Relation to the EU GDPR that you attached to your letter. As you know, the GDPR aims at strengthening the rights of individuals to protection of their personal data and emphasizes the obligations of those who process such data. Article 5 of the GDPR lists some fundamental principles in relation to personal data processing and these principles are also reflected in other articles of the regulation. The principles are, for example, the purpose limitation principle, the principle of lawfulness, fairness and transparency and the storage limitation principle. Personal data may only be processed for specified, explicit and legitimate purposes and such processing must rely on one of the legal bases in article 6. The GDPR also includes obligations for personal data controllers and processors to take appropriate technical and organisational measures in order to ensure and to be able to demonstrate that the processing is done in accordance with the regulation

While we appreciate the efforts done by ICANN to adjust the personal data processing to the GDPR's rules as shown in the attached Interim model, the assessment of these adjustments is something that requires a joint action by the EU Data Protection Authorities. In this respect, we know that the Interim model also has been presented to the Article 29 Working Party, where all the EU Member States' data protection authorities are represented and where of course also the Swedish Data Protection Authority participates. We will consider your request for guidance in the context of the work in this group and we therefore refer to the outcome of the Working Party's discussion on this matter, a discussion which we expect to be concluded in the next few weeks.

Best regards



Lena Lindgren Schelin
Director General