

September 5th, 2018

Akram Atallah  
President, Global Domains Division  
Internet Corporation for Assigned Names and Numbers  
[akram.atallah@icann.org](mailto:akram.atallah@icann.org)

Re: GDPR and Across-field Address Validation Working Group (AFAV)

Dear Akram,

Thank you for your 6 June 2018 letter.

The Registrar Stakeholder Group (RrSG) appreciates ICANN org noting that data accuracy is a common goal for all stakeholders and a fundamental requirement of GDPR. However, the suggestion that across-field validation (AFAV) is a requirement under GDPR (or any other current and applicable data privacy law) is an over-extension and misapplication of the regulation. In short, we are concerned that proceeding forward with AFAV at this time will generate additional risk for both Registrars and ICANN.

Article 5(1)(d) of the GDPR, which is materially identical to the same principle as it existed for more than 20 years in the EC95/46 Directive, is intended to avoid the processing of inaccurate data. However, this is achieved by providing our customers the tools/rights to access, correct and/or update their information and by establishing internal processes and procedures that ensure the data provided by our customers remains accurate and complete. It does *not* require we poll our customers to ensure the data they have provided themselves as part of the underlying transaction was in-fact accurate.

In addition to not being legally required, AFAV would also require additional processing and transfer of Registrant data, which, on balance, is outweighed by the interests and rights of the individual. Lastly, it would be in direct contravention of several sections of the GDPR for Registrars to alter and over-ride registrant provided data, based on some third-party's supposition of accuracy.

We would consider it prudent for ICANN to conduct a legal analysis of the requirements of AFAV against the risks and responsibilities contained within the GDPR and similar privacy laws.

In any event, according to the new WHOIS ARS Report that was released recently, the inaccuracy issues that existed under the 2009 RAA appear to have been resolved organically as a result of the current implementation of the Whois Accuracy Program Specification under the 2013 RAA. Thus, we find the continued push for AFAV somewhat complexing.

As you know, across-field validation was born out of the Whois Accuracy Program Specification, which included numerous actions to ensure Whois accuracy. Since the signing of the 2013 RAA, Sections 1(a-d) as well as 1(f) of this Specification have been implemented. Implementation of these five sections has resulted in near perfect address accuracy and contactability rates (see Whois ARS results [here](#)). As of January 2018, postal address operability is 99% and postal address syntax accuracy is 88% (up from 80% three years earlier). ICANN's own key findings include that "nearly all WHOIS records contained information that could be used to establish immediate contact: In 98 percent of records, at least one email or phone number met all operability requirements of the 2009 RAA." By all accounts, the Whois Accuracy Program Specification is a success. This success, however, means that implementing Section 1(e), Across-field Validation, would go beyond the original purpose of the Whois Accuracy Program Specification, which was to provide accurate postal addresses and ensure contactability.

As a result, we respectfully request this working group be paused until such time as there is a clear understanding of the GDPR-required legitimate purpose for the further access, processing, and transmission of personal data to third-party providers in order to implement AFAV.

Sincerely,

Graeme Bunton  
Chair, Registrar Stakeholder Group