

On 6/20/18, 04:24, "Volker Greimann" wrote:

Thank you for providing an opportunity to comment on the Unified Access Model Framework.

I cannot help but wonder if this top-down approach is the new policy making model for ICANN? Will community input into new policy be reduced to public comments in the future for all topics ICANN Org deems important or urgent enough?

Such a model needs to be developed by the entire community with consultation by legal and privacy experts over the course of a fully chartered PDP or ePDP WG, not by ICANN staff.

There also is no immediate urgency for the staff-led development of such a model as the currently effective Temporary Specification already requires contracted parties to provide access to parties with legitimate interests. Further, observation of data access requests at multiple registrars suggests a lower than expected volume of such requests since the effective date of the GDPR. Across our affiliated registrars, there have been 11 such requests since May 25.

The proposed framework is also deeply flawed as it is based on a legitimate user concept instead of a legitimate interest requirement. In other words, once a user is identified as legitimate, that user would gain access in accordance with its access levels, regardless of whether a legitimate interest to access a certain individual data set is present or not or whether the transfer of data to such a user is legitimate from a data transfer perspective. Such a trust-based system relying solely on a Code of Conduct is not in compliance with the GDPR, which requires a legitimate interest for each individual request.

The implementation of such a new system across contracted parties, many of which have already built their own systems and processes, is also a non-trivial undertaking. At current request levels it also appears to add significant costs for little added benefit.

Before this is undertaken, we should first look at whether there actually is a need. So far, observed request levels have been low.

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Bei weiteren Fragen stehen wir Ihnen gerne zur Verfügung.

Mit freundlichen Grüßen,

Volker A. Greimann  
- Rechtsabteilung -