



# 2013 RAA: Data Retention Specification

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# Key Changes to Agreement

- Existing provisions (3.3.1, 3.4, etc.) continue to apply, but with modifications:
  - General data retention period reduced from RAA term + 3 years to RAA term + 2 years *or* 2 years following transfer/deletion (was 3)
  - Registrar/affiliate's privacy and proxy customer data must be maintained & escrowed by registrar
  - New ICANN audit & inspection rights
  - New data elements
- Availability of waiver for legal conflicts

# New Data Elements

*Two types: personal & transactional/technical*

## **Personal data:**

- Registrar must now also collect/retain:
  - Registrant email and telephone
  - Any newly required Whois data
  - Identification of other domain services purchased
  - Payment data (such as “card on file,” current period third party transaction number, or other recurring payment data) if maintained by registrar
- Retained for term of registration + 2 years

# New Data Elements, cont'd

## **Transactional / technical data:**

- Registrar must now also collect/retain:
  - Means and source of payment information reasonably needed to process transaction
  - Log files, billing records, other communications source and destination information\*
    - E.g. IP addresses, HTTP headers, tel/fax nos., email address, Skype ID, etc.
  - Records & logs of communications & sessions\*
- Retained at least 180 days

# Conflicting Law Waiver

Data Retention Spec contemplates possible conflicts with registrars' local laws.

- Registrar may submit a waiver request:
  - Specifically identifying conflicting law and RAA provision(s)
  - Providing English description of law if not in English
  - Including analysis / opinion from nationally recognized law firm or gov't ruling/guidance/etc.  
*or* citing previously granted waiver request

# Waiver Request Review Process

1. Application received
2. Completeness check
3. Identical requests (concurrent or previous) fast-tracked
4. Consideration by ICANN legal counsel – possible consultation with authorities or registrar
  - If preliminarily approved, posted to [icann.org](https://icann.org)
  - If not preliminarily approved, consultations with registrar undertaken before reconsideration & posting
6. Published for 30 days before effective – Compliance team notified
7. Registrar must reaffirm need for waiver on periodic basis



Thank You