

RDRS PRIVACY POLICY

This RDRS Privacy Policy sets out how the Internet Corporation for Assigned Names and Numbers ("ICANN") (collectively "we", "us", or "our") collects and uses Personal Information provided by or collected from individuals in relation to the Registration Data Request Service ("RDRS") operated by ICANN. The RDRS Privacy Policy which relates specifically to the RDRS is supplemented by the ICANN Privacy Policy (available at: <https://www.icann.org/privacy/policy>) which contains the more general provisions.

If you have any questions about this RDRS Privacy Policy, please feel free to contact us at privacy@icann.org.

This RDRS Privacy Policy covers the following key topics:

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1. Definitions

"**Authorized User**" means any authorized representative of a registrar who has registered as a user of the NSp.

"**Data Subject**" means the identified or identifiable natural person to which the Personal Information is relating.

"**EU Standard Contractual Clauses**" means the standard contractual clauses for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council (Commission Implementing Decision (EU) 2021/914 of 4 June 2021).

"**GDPR**" means the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

"**ICANN Account**" means the account that allows access to certain ICANN services, including the RDRS, so that account holders can manage their information such as name, email, and password, using only one set of login credentials.

"NSp" means the Naming Services Portal.

"**Processing**" means any operation or set of operations which is performed on Personal Information or on sets of Personal Information, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

"**RDRS System**" means the entirety of systems connecting Requestors seeking access to non-public registration data with the relevant ICANN-accredited registrars for gTLD domain names concerned by the Request.

"**Request**" means the request for access to non-public gTLD registration data submitted by a Requestor to the RDRS.

"**Requestor**" means any individual using the RDRS to submit a Request for access to non-public gTLD registration data, either on its own behalf or on behalf of a third party.

"**User**" means any individual using the RDRS, either as a Requestor or as an Authorized User on behalf of a registrar.

Defined Terms that are not defined in this RDRS Privacy Policy shall have the meaning ascribed to them in the ICANN Privacy Policy.

2. Data Controller

ICANN operates the RDRS and is Processing Personal Information in this context as an independent Data Controller. ICANN's Headquarter is located at 12025 Waterfront Drive, Suite 300, Los Angeles, CA 90094-2536, USA. ICANN can be reached under privacy@icann.org.

3. Processing by Registrar

The registrar to whom a Request is routed through the RDRS, can access Personal Information of Requestors and Personal Information contained in the Requests in the NSp (as part of the RDRS). The registrar will be solely responsible for assessing the Request and making the decision whether to disclose the requested non-public registration data. Any disclosure of the requested non-public registration data by the registrar will happen outside the RDRS. If the registrar needs to communicate with and seek additional information or clarifications from a Requestor to appropriately respond to a Request, that communication will also occur outside of the RDRS.

The registrar to whom a Request is routed through the RDRS is an independent Data Controller with respect to the Processing activities described above. The RDRS Privacy Policy does not cover any Processing activities of registrars. Please consult the relevant registrar's privacy policy for information about the registrar's Processing activities.

4. Personal Information Processed

In the course of the operation of the RDRS, ICANN Processes the following types of Personal Information:

Personal Information from Requestors: Requestors access the RDRS through their ICANN Account. The Processing of Personal Information contained in the ICANN Account is described in general terms in the ICANN Privacy Policy (available at: <https://www.icann.org/privacy/policy>).

Through their ICANN Account, the Requestor following Personal Information will be processed:

- Requestor First and Last Name;
- Requestor Email Address.

Requestors will have to provide the following data elements for submitting a Request through a “Data Request Form”, which may or may not be Personal Information, depending on the type of Requestor. Some fields are optional or not required depending on the Request:

- Request category;
- Additional contact details: postal address;
- Additional contact details: telephone number;
- Organization or affiliation;
- Party representation (on the Requestor’s own behalf or on behalf of a third party), and if applicable, Power of Attorney;
- Identification of country/countries in which the requested non-public registration data will be Processed;
- Domain name subject to the request;
- List of data elements requested;
- Request priority level;
- Brief description of the specific issue the Request is attempting to resolve;
- Whether a Law Enforcement request (such as a subpoena, court order, warrant or any other form of legal request) has been issued requesting the disclosure of the requested non-public gTLD registration data, and if applicable, specific date by which the registrar must respond and attach a copy of the Law Enforcement request;
- Whether a legal basis is asserted under which the Requestor would Process the requested non-public gTLD registration data pursuant to the GDPR or other applicable law, and if applicable, identification of the legal basis asserted;
- Any relevant documentation in support of the Request, including any Law Enforcement request (subpoena, court order, etc.) identified above;
- Affirmation that the Request is, to the best of the Requestor’s knowledge, complete and accurate, and that such Request is submitted in good faith;
- Affirmation that any Personal Information received in response to a Request will be Processed in compliance with any applicable data protection law, and shall not be stored, transferred, shared or otherwise Processed in contravention with any applicable data protection law; and
- Where applicable data protection law requires a registrar to enter into contractual safeguards for the cross-border transfer of Personal Information, Requestor agrees that entering into such agreement with the registrar may be required before the registrar will disclose the requested non-public registration data.

Personal Information from Authorized Users: Authorized Users access the RDRS through the NSp account of the relevant registrar and do not have to provide any Personal Information specifically for accessing and using the RDRS. The Processing of Personal Information of Authorized Users contained in the NSp account is described in general terms in the ICANN Privacy Policy (available at: <https://www.icann.org/privacy/policy>).

Personal Information Contained in Requests: Requests may contain Personal Information of the Requestor or third parties. The Requestor is responsible to ensure compliance with applicable data protection law with respect to the Processing of Personal Information of third parties contained in Requests submitted through the RDRS, as stipulated in the Terms of Service - Access to and Use of RDRS (available at: <https://www.icann.org/en/system/files/files/rdrs-terms-service-07nov23-en.pdf>).

Logging Requestor Information for Reporting Purposes: The RDRS System will log the following data elements for the purpose of reporting on the usage of the RDRS System, which may or may not be Personal Information, depending on the type of Requestor. The data elements logged may be reported in an aggregated format:

- Requestor;
- Domain name;
- Date and time stamps for the Request (creation and disposition);
- Request type;
- Priority level of the Request;
- Any change in priority initiated by the registrar;
- Field elements requested;
- Jurisdiction where the non-public gTLD registration data will be Processed by the Requestor;
- Registrar name associated with the domain subject;
- Disposition of the Request (approved, partially approved, or denied);*
- If approved, field elements provided;*
- If partially approved, field elements disclosed plus reason(s) for denying the remainder of the Request; and*
- If denied, the reason for the denial.*

* These data fields although inputted by the registrar outside of the RDRS, will be transmitted to and collected via the RDRS.

Logging for IT Security Purposes: The Personal Information from Requestors and Authorized Users will be logged when they submit or access a Request or otherwise use the RDRS, such as server access logs, IP addresses, timestamps and in some cases authentications tokens.

All Types of Personal Information: All of the foregoing described categories of Personal Information may be processed by ICANN for analytics required in relation to the purpose of reporting on the usage of the RDRS System and will be pseudonymized or anonymized in this context, if and to the extent required under applicable laws. Only anonymized results of such data analytics will be shared with members of the ICANN community and the public as described in Section 6 of this RDRS Privacy Policy.

5. Use of Personal Information - Purposes and Legal Bases

ICANN is Processing the Personal Information described in Section 4 of this RDRS Privacy Policy for the purpose of simplifying the process for submitting and receiving Requests. This includes Processing for the purpose of reporting on the usage of the RDRS, which should enable the members of the ICANN community to make informed decisions on the further development of the RDRS System and/or to help inform policy decisions related to a System for Standardized Access/Disclosure. Simplifying the process for submitting and receiving Requests serves the over-arching purpose of providing lawful access to non-public gTLD registration data which is essential to ensure the security, stability and resilience of the DNS, which in turn contributes to a high common level of cybersecurity. Personal Information from Requestors and Authorized Users is also logged for the purpose of ensuring the operational stability and security of the RDRS System.

If and to the extent the GDPR applies, ICANN relies on the legal basis of Art. 6 (1) lit. f) GDPR, which allows ICANN to Process Personal Information when it is necessary for ICANN's or a third party's legitimate interest. ICANN, Requestors and registrars have a legitimate interest in ensuring and facilitating lawful access to non-public gTLD registration data through the RDRS, as this is essential to ensure the security, stability and resilience of the DNS, which in turn contributes to a high common level of cybersecurity.

6. Sharing of Personal Information

Service Providers: ICANN will share the Personal Information described in Section 4 of this RDRS Privacy Policy with third party service providers that Process the Personal Information on ICANN's behalf (as Data Processors) and provide services to ICANN such as the RDRS Platform, the NSp, ensuring secured daily backup of the NSp data and hosting the attachments provided with the requests in a secure and encrypted separate database. A list of the service providers used by ICANN is available at: <https://www.icann.org/rdrs-requestors-faqs-en.pdf>.

Registrars: Personal Information contained in Requests will be shared with the registrars to whom a Request is routed through the RDRS as described in Section 3 of this RDRS Privacy Policy. Registrars might share Personal Information contained in Requests further as described in their respective privacy policies.

Sharing with the public: ICANN will share only aggregated and therefore anonymized Requestor Personal Information that has been logged by the RDRS System as described in Section 4 of this RDRS Privacy Policy as well as anonymized results of any data analytics conducted as described in Section 4 of this RDRS Privacy Policy with members of the ICANN community and the public for the purpose of reporting on the usage of RDRS System.

Consultants and advisors, government authorities and agencies: ICANN will share the Personal Information described in Section 4 of this RDRS Privacy Policy with technical and business consultants as well as financial and legal advisors, government authorities and agencies for the following purposes:

- Comply with applicable laws, regulations, legal process or enforceable governmental request;
- If permitted or required by law or in response to a law enforcement or other legal request;

- Protect our or a third party's legal rights, including the enforcement of any terms governing the use of the RDRS;
- Comply with any court order or legal proceeding;
- Detect, prevent or otherwise address fraud or other criminal activity or errors, security or technical issues; or
- Protect against imminent harm to our rights, property, or the safety of Users or the public as required or permitted by law.

We will not sell or otherwise share any Personal Information with third parties for marketing purposes.

7. International Transfers

When accessing and using the RDRS, the Requestor is directly transferring its own Personal Information to ICANN in the United States. Such transfer of Personal Information that relate to the Requestor himself/herself is not considered an international transfer under Chapter V of the GDPR, as the Personal Information is directly collected from the Requestor as the Data Subject under Art. 3 (2) GDPR. The same applies with regard to Personal Information from Authorized Users that is logged for IT security purposes, as described in Section 4 above.

When the Requestor submits Personal Information of third parties into the RDRS (as contained in Requests or information related to Requests), this Personal Information is transferred to ICANN in the United States and from the United States possibly also to other countries outside of the European Economic Area (EEA) where ICANN staff and third party service providers are located. A list of these recipients and their respective locations is available at:

<https://www.icann.org/rdrs-requestors-faqs-en.pdf>.

Such transfers are safeguarded by suitable transfer mechanisms, including– with respect to transfers to third party service providers – EU Standard Contractual Clauses (module 2: controller-to-processor). A copy of these safeguards can be obtained upon email request to privacy@icann.org.

Pursuant to the Terms of Service - Access to and Use of RDRS (available at: <https://www.icann.org/en/system/files/files/rdrs-terms-service-07nov23-en.pdf>), Requestors are also under the obligation to ensure that any transfer of personal data subject to cross-border data transfer restrictions under applicable laws into the RDRS system operated by ICANN in the United States takes place in compliance with applicable laws, including the implementation of necessary transfer safeguards under such laws (e.g., EU Standard Contractual Clauses (“SCCs”)).

8. Security

ICANN will use reasonable industry standard safeguards (which may include physical, procedural and technical measures) to protect against the unauthorized disclosure of Personal Information it collects and holds. ICANN will take reasonable steps to ensure that Personal Information collected is complete and relevant to its intended use.

ICANN cannot represent, warrant or guarantee that information Processed in the RDRS System will be free from unauthorized access by third parties, loss, misuse, or alterations.

While ICANN will take reasonable and appropriate security measures to protect against unauthorized access, disclosure, alteration or destruction of Personal Information received, WE DISCLAIM ANY AND ALL LIABILITY FOR UNAUTHORIZED ACCESS OR USE OR COMPROMISE OF PERSONAL INFORMATION TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW. USERS ARE ADVISED THAT THEY SUBMIT PERSONAL INFORMATION AT THEIR OWN RISK.

9. Retention

ICANN will retain Personal Information generally in accordance with our general archival practices and as required or permitted by law.

ICANN will retain Personal Information generally only for as long as is required to fulfill the purposes set out in Section 5 above. However, where ICANN is required by law to retain Personal Information longer or Personal Information is required for us to assert or defend against legal claims, we will retain the Personal Information until the end of the relevant retention period or until the claims in question have been resolved. More details about the retention periods applicable are available here:

<https://www.icann.org/en/system/files/files/rdrs-data-retention-policy-table-07nov23-en.pdf>.

10. Exercise of Data Subject Rights

Individuals (Data Subjects) may be entitled to obtain access to information on the Processing of Personal Information, to object to certain Processing, request information portability, and have their Personal Information rectified, deleted, or otherwise restricted in terms of Processing, in each case as permitted under applicable data protection law. Users also may be entitled to withdraw any consent given with prospective effect with respect to the Processing of their Personal Information.

Individuals can exercise these rights or learn more about the Processing of Personal Information by ICANN, by sending a request to privacy@icann.org. Any request is subject to identity verification. We will respond to request(s) as soon as reasonably practicable, but in any case, within the legally required period of time. Please note that certain Personal Information may be exempt from such request for exercising Data Subject rights, pursuant to applicable law.

If you are not satisfied with our response or believe that your Personal Information is not being Processed in accordance with the law, you also may contact or lodge a complaint with the competent supervisory authority or seek other remedies under applicable law.

A specific description of Data Subject rights applicable under the GDPR is attached to this Privacy Policy as [Exhibit 1](#).

11. Required Personal Information

Requestors are required to provide the Personal Information described in Section 4 above (in Subsection “Personal Information from Requestors”), including the information to fill out the “Requestor User Account Setup Form” and the “Data Request Form”, as otherwise their Request cannot be submitted through the RDRS.

12. Minors

Users of the RDRS must be of legal age (at least 18 years or otherwise applicable minimum legal age). ICANN does not knowingly collect any Personal Information from Users under the applicable minimum legal age.

13. Revisions

ICANN reserves the right to change this RDRS Privacy Policy at any time. Any changes we make will be posted on this page. The date this RDRS Privacy Policy was last revised is identified at the top of the page. Users are responsible for periodically monitoring and reviewing any updates to this RDRS Privacy Policy. Users' continued use of the RDRS after such amendments will be deemed acknowledgement of these changes to this Privacy Policy.

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Exhibit 1: Data Subject Rights under the GDPR

Individuals (Data Subjects) whose Personal Information is Processed in the context of the RDRS pursuant to the GDPR have the following Data Subject rights, as provided for under the GDPR, subject to limitations under the GDPR and otherwise applicable law.

Personal Information is referred to as "Personal Data" in this Exhibit.

- As a Data Subject, you have the right to obtain confirmation as to whether Personal Data relating to you are being Processed by us and, where that is the case, the right to access to the Personal Data to you and a copy thereof (Art. 15 (1) and (3) GDPR).
- If we Process inaccurate Personal Data, you have the right to rectification (Art. 16 GDPR).
- In some cases described by law, you may request the erasure of Personal Data concerning you or the restriction of Processing (Art. 17 and 18 GDPR).
- If Processing is based on your consent within the meaning of Art. 6 (1) lit. a) GDPR and/or Art. 9 (2) lit. a) GDPR, you may withdraw your consent at any time (Art. 7 (3) GDPR), which will not affect the lawfulness of Processing based on consent before its withdrawal. We inform you separately if we require your consent for the Processing of Personal Data relating to you for specified, explicit and legitimate purposes not covered by this RDRS Privacy Policy.
- If Processing is based on your consent within the meaning of Art. 6 (1) lit. a) GDPR and/or Art. 9 (2) lit. a) GDPR, or on a contract pursuant to Art. 6 (1) lit. b) GDPR, and the data Processing is carried out by automated means, you have a right to receive the Personal Data concerning you in a structured, commonly used and machine-readable format and the right to transmit those data to another controller without hindrance from the controller to which the Personal Data have been provided (Art. 20 GDPR).
- **You have the right to object, on grounds relating to your particular situation, at any time to Processing of Personal Data concerning you based on Art. 6 (1) lit. e) or f) GDPR (Art. 21 (1) GDPR).**

You may object to the Processing of your Personal Data on the basis of Art. 6 (1) lit. f) GDPR for direct marketing purposes at any time (Art. 21 (2) GDPR), without stating grounds relating to your particular situation. However, we would like to point out that we do not Process your Personal Data for this purpose.

- Furthermore, you have the right to lodge a complaint with the competent data protection supervisory authority. You can for example contact the supervisory authority in the EU Member State of your habitual residence, place of work or place of the alleged infringement. The lead supervisory authority responsible for ICANN is the

Autorité de la protection des données - Gegevensbeschermingsautoriteit (APD-GBA)

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1000 Bruxelles - Brussel

Tel. +32 2 274 48 00

Fax +32 2 274 48 35

Email: contact@apd-gba.be

Website:

<https://www.autoriteprotectiondonnees.be>

<https://www.gegevensbeschermingsautoriteit.be>.

If you have any questions or complaints about how we Process your Personal Data, we recommend that you first contact us under privacy@icann.org.

You can exercise your rights as a Data Subject or learn more about the Processing of Personal Information by ICANN, by sending a request to privacy@icann.org.