

The Data Protection Unit of the Council of Europe organised with ICANN and different Constituencies of the ICANN Community during the 58th meeting of the Internet Corporation for Assigned Names and Numbers (ICANN) on 13-15 March in Copenhagen a series of high level meetings and sessions. The events were organised with the participation of the United Nations' Special Rapporteur on the right to privacy, the European Data Protection Supervisor, the Vice-Chairperson of the Article 29 Working Party, the Chair of the Committee of Convention 108, the Data Protection Officer of Interpol and the Director of Information Society and Action against Crime of the Council of Europe. The main goal was to raise awareness within the ICANN Community of the importance of privacy issues in relation to the mission and activities of ICANN. Participants exchanged views with ICANN communities on privacy and data protection implications of the processing of WHOIS data, third party access to personal data and the issue of accountability.

Main elements of the discussion:

- ▶ In order to operate in the public interest, ICANN has to comply with international human rights standards, especially with those on privacy and data protection. Particularly, the existence of a number of predominant commercial and public interests within the ICANN systems suggests the need for the implementation of a solid privacy framework.
- ▶ The notion of public interest is insufficiently clear to provide guidance in policy development processes; accountability requires measurable standards.
- ▶ It is desirable that ICANN's policy development is further improved. A clearer balance must be struck between interests and the right to privacy.
- ▶ The publicity of WHOIS data on the internet has to be revisited in order to comply with purpose limitation and proportionality principles.
- ▶ Third party access to ICANN held data has to be discussed in details in order to ensure that the access and subsequent processing are lawful, follow a legitimate interest and guarantee a high quality of data.
- ▶ In light of its core missions and activities ICANN should define a purpose statement for its underlying data processing activities.
- ▶ For further information:

<http://www.coe.int/en/web/human-rights-rule-of-law/-/council-of-europe-at-the-58th-meeting-of-icann>

<http://www.coe.int/en/web/human-rights-rule-of-law/jan-kleijssen/opening-remarks-copenhagen-2017-03-13>

ICANN and Privacy

Side event organised by ICANN and the Council of Europe

An open and inclusive dialogue and exchange of ideas on ICANN and Privacy.

Wednesday,

27 September 2017,

13.30-15.00

Camomile (Lower Level II),

Kowloon Shangri-La

Key questions for discussion:

- ▶ To what extent is ICANN after Copenhagen58 meeting seeking to integrate privacy considerations into its internal and external policies and by which means?
- ▶ Is a “purpose statement” for the processing of personal data available for ICANN communities and internet users?
- ▶ How third party access to ICANN held data is envisaged for the future?
- ▶ Is ICANN a global data controller?
- ▶ To what extent is ICANN accountable for data processing undertaken by contracted and non-contracted parties?
- ▶ What is needed to improve the privacy protection for registrants within ICANN?
- ▶ Is there a need for a setting up of a more institutionalised privacy related mechanism within ICANN in order to cope with challenges related to privacy and data protection?

Agenda:

- ▶ Opening by Mr Jan Kleijssen, CoE
- ▶ Introductory remarks by Ms Theresa Swineheart, ICANN
- ▶ Introductory remarks by Mr Giovanni Buttarelli, EDPS
- ▶ Introductory remarks by Ms Becky Burr, ICANN
- ▶ Introductory remarks by Mr Joe Cannataci, UN
- ▶ Open mike session
- ▶ Wrap up by Mr Jan Kleijssen and Ms Theresa Swineheart