CONSENT: A TOOL TO ENHANCE TRUST ON THE INTERNET

Liubomir NIKIFOROV

NEXTGEN@ICANN74

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About the speaker

Liubomir Nikiforov, PhD student, University of Barcelona Focus on consent, transparency and Internet governance

I like long walks, longer talks and amateur theater.

INTRODUCTION

Presentation aims: outline findings on Registry-Registrar Base Agreements. **Lack of definition of consent.**

Consequence: transparency challenges and credibility risks for ICANN and its stakeholders.

Solutions?

CURRENT STATE

Registry-Registrar Agreements: contractual procedure for registration of a generic top-level domain name.

Registrar, Registrant, Registry operator

Art. 2 (18): only article on Personal Data

Definition of personal data, notification requirement for the data purposes as well as data recipients' identification, and **consent**.

ART. 2.(18) BASE RRA

2.18 Personal Data.

Registry Operator shall (i) notify each ICANN-accredited registrar that is a party to the Registry-Registrar Agreement for the TLD of the purposes for which data about any identified or identifiable natural person ("Personal Data") submitted to Registry Operator by such registrar is collected and used under this Agreement or otherwise and the intended recipients (or categories of recipients) of such Personal Data, and (ii) require such registrar to obtain the consent of each registrant in the TLD for such collection and use of Personal Data. Registry Operator shall take reasonable steps to protect Personal Data collected from such registrar from loss, misuse, unauthorized disclosure, alteration or destruction. Registry Operator shall not use or authorize the use of Personal Data in a way that is incompatible with the notice provided to registrars.

CHALLENGES

Art. 2 (18) Registry Operators have to require from Registrars "to obtain the **consent** of each Registrant in the Top-Level Domain"

Lack of validity requirements for consent such as *specific*, *free*, *informed*, *and unambiguous*, following the European GDPR model.

Alternatives for the Registrant, if refuses to consent?

IMPORTANCE OF THE TOPIC

-Data-driven algorithmic world

-Data and information, new gold

- Need to ensure trust, credibility and reliability

Benefits:

-Openness and transparency,

- improved Data protection,

- reduced litigation cases,

- improved reputation and

- competitive advantage for stakeholders.

SOLUTIONS

- Revision of the Registry-Registrar Base Agreements' Personal Data clause.

- More complex Data Protection mechanism.

- Lighter and clearer clauses

Specifically on consent:

- identify data processing cases where consent is needed,

- provisions on how and when consent should be given,

- specific requirements for a valid consent.

THANK YOU!

Questions

Liubomir Nikiforov

lnikifni7@alumnes.ub.edu

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