

DATA RETENTION SPECIFICATION

1. Except to the extent prohibited by applicable law, during ~~the~~ **During** the Term of this Agreement, for each Registered Name sponsored by Registrar within a gTLD, Registrar shall collect and securely maintain in its own electronic database (as updated from time to time) the data specified below:

1.1. Registrar shall collect the following information from registrants at the time of registration of a domain name (a “Registration”) and shall maintain that information for the ~~life~~ **duration of Registrar’s sponsorship** of the Registration ~~plus~~ **and for a period of two additional years thereafter**:

- **1.1.1.** First and last name or full legal name of registrant;
- **1.1.2.** First and last name or, in the event registrant is a legal person, the title of the registrant’s administrative contact, technical contact, and billing contact;
- **1.1.3.** Postal address of registrant, administrative contact, technical contact, and billing contact;
- **1.1.4.** Email address of registrant, administrative contact, technical contact, and billing contact;
- **1.1.5.** Telephone contact for registrant, administrative contact, technical contact, and billing contact;
- **1.1.6.** WHOIS information, as set forth in the WHOIS Specification;
- **1.1.7.** Types of **domain name** services purchased for use in connection with the Registration-; **and**

Registrar Proposed Text for Section 1.1.8	ICANN Proposed Text for Section 1.1.8
<p><u>1.1.8 To the extent collected and maintained by Registrar for more than a transitory period, “card on file,” current period third party transaction number, or other recurring payment data.</u></p>	<p><u>1.1.8 To the extent collected by Registrar, “card on file,” current period third party transaction number, or other recurring payment data.</u></p>

1.2. Registrar shall collect the following information and maintain that information for no less than one hundred and eighty (180) days following the relevant interaction:

- 1.2.1.** Information regarding the means and source of payment reasonably necessary for the Registrar to process the Registration transaction, or a transaction number provided by a third party payment processor;
- 1.2.2.** Log files, billing records, ~~or~~ **and, to the extent collection and maintenance of such records is commercially practicable or consistent with industry-wide generally accepted standard practices within the industries in which Registrar operates,** other records containing communications source and destination information, including, depending on the method of transmission **and without limitation:** (1) Source IP address, HTTP headers, (2) the telephone, text, or fax number; **and** (3) email address, Skype handle, or instant messaging identifier, associated with communications between Registrar and the registrant about the Registration; **and**
- 1.2.3.** Log files ~~or~~ **and, to the extent collection and maintenance of such records is commercially practicable or consistent with industry-wide generally accepted standard practices within the industries in which Registrar operates,** other records associated with the Registration containing dates, times, and time zones of communications and sessions, including initial registration.

Registrar Proposed Text for Section 2 <i>(proposed additions in bold underline and deletions in strikethrough)</i>	ICANN Proposed Text for Section 2
<p><u>2. In the event Registrar believes in good faith and based on the advice of an individual or organization with relevant expertise that its collection and/or retention of data elements specified herein cannot be undertaken consistent with Applicable Law, Registrar shall provide prompt written notice of such determination to ICANN. Such written notice shall specify the relevant Applicable Law, the data elements effected, the Applicable Law, the manner in which collection and/or retention is limited by Applicable Law, and a reasonable description of any facts and circumstances related thereto,</u></p>	<p><u>2. If [trigger event to be determined] (the “Applicable Law”), Registrar shall provide prompt written notice of such determination to ICANN. Such written notice shall include a reasonable description of such determination and the facts and circumstances related thereto, and shall be accompanied by any documentation provided to any governmental authority by Registrar or received by Registrar from any governmental authority, in each case, related to such determination, and such other documentation reasonably requested by ICANN. Following receipt of such written notice, ICANN</u></p>

<p><u>and shall be accompanied by any documentation provided to any governmental authority by Registrar or received by Registrar from any governmental authority, in each case, related to such determination, and such other documentation reasonably requested by ICANN. Following receipt of such written notice, ICANN and Registrar shall discuss the matter in good faith in an effort to reach a mutually acceptable resolution of the matter. If following such discussion, ICANN and Registrar are unable to reach mutual agreement as to the appropriate resolution of such matter within thirty (30) calendar days, the matter shall be resolved pursuant to ICANN's Procedure for Handling Whois Conflicts with Privacy Law,¹ as modified from time to time. [Nothing in this Data Retention Specification prohibits Registrar from consulting with ICANN regarding the requirements of this Data Retention Specification or requesting a waiver from ICANN with respect to such requirements.]</u></p>	<p><u>and Registrar shall discuss the matter in good faith in an effort to reach a mutually acceptable resolution of the matter. If following such discussion, ICANN and Registrar are unable to reach mutual agreement as to the appropriate resolution of such matter within thirty (30) calendar days, the matter shall be resolved pursuant to ICANN's Procedure for Handling Whois Conflicts with Privacy Law,² as modified from time to time. Nothing in this Data Retention Specification prohibits Registrar from consulting with ICANN regarding the requirements of this Data Retention Specification or requesting a waiver from ICANN with respect to such requirements.</u></p>
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3. If (i) ICANN has previously modified the requirements of a Data Retention Specification in response to a request from a registrar that is located in the same jurisdiction as Registrar and (ii) Registrar is subject to the same Applicable Law that gave rise to ICANN's agreement to make such modification, Registrar may request that ICANN modify this Data Retention Specification in the same manner, which request shall be approved by ICANN, unless ICANN provides Registrar with a reasonable justification for not approving such request, in which case Registrar may thereafter seek a modification pursuant to Section 2 of this Data Retention Specification.

1 Revisions to this policy to include data retention matters are under consideration by ICANN and the Registrar Stakeholder Group.
2 Revisions to this policy to include data retention matters are under consideration by ICANN and the Registrar Stakeholder Group.

4. Any modification of this Data Retention Specification to address violations of Applicable Law shall only apply during the period of time that the specific provisions of the Applicable Law giving rise to such violations remain in effect. If the Applicable Law is repealed or revised in a manner that would no longer prohibit the collection and/or retention of data and information as originally specified in this Data Retention Specification, Registrar agrees that the original version of this Specification will apply to the maximum extent permitted by such modified Applicable Law.
5. If any modification of this Data Retention Specification is made pursuant to Sections 2 or 3 hereof and thereafter the Applicable Law is modified in a manner that thereafter would not prohibit the collection and/or retention of data and information as originally specified in this Data Retention Specification, Registrar agrees to modify the then current version of this Specification to provide for the requirements specified in the original version of this Data Retention Specification to the maximum extent permitted by such modified Applicable Law.
- ~~2. Registrar shall maintain WHOIS data in accordance with the requirements of the WHOIS Accuracy Program, as set forth in the WHOIS Accuracy Program Specification.~~
- ~~3. This Specification may be modified by ICANN from time to time after consultation with the Registrar Stakeholder Group (or its successor), provided that such updates are commercially practical with respect to the registrar industry, taken as a whole.~~