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# Privacy Policy

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# New gTLD Program Next Round Privacy Policy

This new gTLD Program Next Round (“Next Round” or “Next Round Program”) 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 Next Round Program run by ICANN. The Next Round Privacy Policy which relates specifically to the Next Round Program is supplemented by the ICANN Privacy Policy (available at: <https://www.icann.org/privacy/policy>) which contains the more general provisions. In case of a conflict, the Next Round Privacy Policy prevails.

If you have any questions about this Next Round Privacy Policy, please feel free to contact us at [privacy@icann.org](mailto:privacy@icann.org).

This Next Round Privacy Policy covers the following key topics:

- [1. Definitions](#)
- [2. Data Controller](#)
- [3. Personal Information Processed](#)
- [4. Use of Personal Information – Purposes and Legal Bases](#)
- [5. Sharing of Personal Information](#)
- [6. International Transfers](#)
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- [8. Retention](#)
- [9. Exercise of Data Subject Rights](#)
- [10. Required Personal Information](#)
- [11. Minors](#)
- [12. Revisions](#)

## 1. Definitions

**"Authorized User"** means any other users authorized by ICANN to access the Next Round Portals. This includes, but may not be limited to ICANN staff and Independent Application Assessment Panelists.

**"Applicant"** or **"ICANN Next Round Applicant"** means the organization designated as the “applicant” in the ICANN Next Round Application submitted or to be submitted by the Applicant.

**"Applicant User"** means the User accessing and completing the Next Round Application on behalf of the Applicant.

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**"Application"** means the application submitted for new gTLDs under the ICANN Next Round. For more information on Application, refer to the new gTLD Program Next Round Applicant Guidebook ("Applicant Guidebook"), the Registry Service Provider ("RSP") evaluation process Handbook ("RSP Handbook) the Applicant Support Program ("ASP") Handbook ("ASP Handbook").

**"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.

**"Next Round Portal"** or **"Portals"** means the online new gTLD application management portal for the Next Round Program as specified by ICANN.

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

**"ICANN Next Round"** or **"Next Round"** or **"Next Round Program"** means the ICANN initiative to enable the expansion of the Internet's Domain Name System (DNS) through the introduction of new top-level domains.

**"Evaluation Panels"** means an independent panel of subject matter experts ("**Panelists**") [that is provided access to the Portals for the purpose of] evaluating the Next Round Application as set forth in the Applicant Guidebook, RSP Handbook and ASP Handbook.

**"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.

**"User"** means any individual using the Next Round Portal, either as an Applicant User or as an Authorized User.

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

## 2. Data Controller

ICANN operates the Next Round Program 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](mailto:privacy@icann.org).

## 3. Personal Information Processed

Application submission. Participation in the Next Round Program involves the collection and use of your Personal Information, such as, but not limited to full name, postal address, telephone number, and email address. The full list of data elements for submitting an Application, which may or may not be Personal Information, depending on the type of Application. Some fields are optional or not required depending on the Application. The data elements are provided in the sources listed below:

- For the Registry Service Provider (RSP) evaluation process: in the RSP Handbook (**INSERT** reference to the exact section);
- For the Applicant Support Program (ASP): in the ASP Handbook (**INSERT** reference to the exact section);
- For the Next Round Program applications: in the Applicant Guidebook (**INSERT** reference to the exact section).

Administration: ICANN requires updated Personal Information about the Applicant's directors and officers, and other relevant personnel, such as full name, date of birth, city and country of primary residence and country of birth. ICANN organization and its service providers use this information to conduct necessary background checks and other evaluations as part of the Program. In the event the Applicant is selected, they might be asked to confirm the validity and accuracy of the data submitted during the application process.

Background Screening Information. For background screenings ICANN Processes [Applicant Entity Information, Applicant Entity Users and Contacts Information, Ultimate Control Contacts Information and Applicant Personal Information as well as the confirmation and where necessary additional explanation that the Applicant is free and absent of convictions, disciplinary and/or other measures as further specified in **[Insert]** ("Background Screening Information").

Moreover, ICANN Processes for this purpose Personal Information from Applicants contained in reports issued by third-party sources conducting the background screenings based on publicly

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available information, for due diligence and reputation checks and for OFAC checks (“Third-Party Background Screening Information”)

In certain circumstances, the results of initial background checks may require the ICANN to request additional Personal Information to conclude necessary background checks or other Program application evaluations. Your Personal Information is also processed to maintain an accurate history of application processing and changes.

Sensitive Personal Information. ICANN does not collect sensitive Personal Information (e.g. personal medical or health information, racial or ethnic origin, or political opinions, etc.) in connection with the Program. You will be notified if such sensitive Personal Information is necessary in connection with the Program, such as to conduct further background checks.

ICANN Account. Applicant Users may access the Next Round Program Portals 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 Applicant Users following Personal Information will be processed:

- Applicant User First and Last Name;
- Applicant User Email Address.

Logging Applicant Information for Usage Information and IT Security Purposes: To help understand how Users interact with the Next Round Portals, information such as action history, information requested or rejected, selections made by Users, log files, performance logs, diagnostic reports, the pages or other content viewed, searches conducted, pages requested, the websites visited before using the Next Round Portals, and the dates, times, and durations of the Users’ visits, will be collected by the Next Round Portals’ provider.

Personal Information from the Panelists and Independent Objectors. The following Panelist Personal Information will be processed:

- Panelist First and Last Name;
- Panelist Email Address.
- Panelist CVs

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 Next Round Portals 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 5 of this Next Round Privacy Policy.

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This Policy does not replace the Privacy Policies of third-party service providers that may apply to the processing of the same data, nor does it establish joint-controller relationships with such third-party service providers.

## 4. Use of Personal Information - Purposes and Legal Bases

ICANN is Processing the Personal Information described in Section 3 of this Next Round Privacy Policy for the purpose of processing and administering the Next Round Program and simplifying the process for submitting and receiving Applications. This may include Processing for the purpose of reporting on the usage of the Next Round Portals. Personal Information from Users is also logged for the purpose of ensuring the operational stability and security of the Next Round Portals.

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.

To the extent permitted by applicable laws, ICANN Processes Background and Third-Party Background Screening Information for the background screenings as further described [in the section "Background Screening" of the Applicant Guidebook] based on its legitimate interest in maintaining the security and stability of the Internet and facilitating the protection of registrants (Art. 6 (1) lit. f) GDPR).

## 5. Sharing of Personal Information

Service Providers: ICANN will share the Personal Information described in Section 3 of this Next Round Privacy Policy with third party service providers that Process the Personal Information either on ICANN's behalf (as Data Processors) or in their own capacity (as Data Controllers). A list of the service providers used by ICANN and their respective location is available at: [URL to be inserted].

Sharing with the Public: In line with its principles of transparency and accountability, in the event the Applicant is selected, ICANN will publish Applicant's name on ICANN's website, and disclose or publicize in any other manner, information sufficient to identify the Applicant and information regarding the applied TLD. [While this information is not typically considered Personal Information, it may contain Personal Information such as [Insert data categories]] [Art. 6 (1) lit. f) GDPR].

Consultants and Advisors, Government Authorities and Agencies: To the extent necessary; ICANN may share the Personal Information described in Section 3 of this Next Round Privacy

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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 requests [Art. 6 (1) lit. c) and f) GDPR];
- If permitted or required by law or in response to a law enforcement or other legal request [Art. 6 (1) lit. f) GDPR];
- Protect our or a third party's legal rights, including the enforcement of any terms governing the use of the Next Round Program [Art. 6 (1) lit. f) GDPR];
- Comply with any court order or legal proceeding [Art. 6 (1) lit. f) GDPR];
- Detect, prevent or otherwise address fraud or other criminal activity or errors, security or technical issues [Art. 6 (1) lit. f) GDPR]; or
- Protect against imminent harm to our rights, property, or the safety of Users or the public as required or permitted by law [Art. 6 (1) lit. f) GDPR].

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

## 6. International Transfers

When applying to the Next Round and/or accessing and using the Next Round Portal, the Applicant User is directly transferring its own Personal Information to ICANN in the United States. Such transfer of Personal Information that relates to the Applicant User himself/herself is not considered an international transfer under Chapter V of the GDPR, as the Personal Information is directly collected from the Applicant as the Data Subject under Art. 3 (2) GDPR.

When the Applicant submits Personal Information of third parties into the Next Round Portal (as contained in Applications or information related to Applications), 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 ICANN offices is available [here](#) and respective locations of the third-parties are linked under Section 5 (Subsection: Service Providers) of this Policy.

Such transfers are safeguarded by suitable transfer mechanisms, including EU Standard Contractual Clauses. A copy of these safeguards can be obtained upon email request to [privacy@icann.org](mailto:privacy@icann.org).

Pursuant to the Terms of Use [for ICANN Next Round Portal] made available by ICANN from time to time, Applicants are also under the obligation to ensure that any transfer of Personal Information subject to cross-border data transfer restrictions under applicable laws into the Next Round Portal 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).

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## 7. 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 Next Round and/or the Next Round Portal 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.

## 8. 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 4 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: [ADD HYPERLINK]

## 9. 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](mailto: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.

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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 Next Round Privacy Policy as [Exhibit 1](#).

## 10. Required Personal Information

Applicants are required to provide the Personal Information described in Section 3 above (in Subsection “Personal Information from Applicants”), including the information to fill out the “Applicant User Account Setup Form” and the “Application Form”, as otherwise their Application cannot be submitted through the Next Round Portal.

## 11. Minors

Users of the Next Round Portal 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.

## 12. Revisions

ICANN reserves the right to change this Next Round Privacy Policy at any time. Any changes we make will be posted on this page. The date this Next Round 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 Next Round Privacy Policy. Users’ continued use of the Next Round Program after such amendments will be deemed acknowledgement of these changes to this Next Round 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 Next Round Program 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 Next Round 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

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Autorité de la protection des données - Gegevensbeschermingsautoriteit  
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<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](mailto: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](mailto:privacy@icann.org).