

24 June 2018

Heather Forrest, GNSO Chair
Donna Austin, GNSO Council Vice Chair
Rafik Dammak, GNSO Council Vice Chair

Re: GNSO Council letter to the ICANN Board of Directors

Dear Ms. Forrest, Ms. Austin and Mr. Dammak:

Thank you for your letter dated 22 June 2018. It has been posted to ICANN's correspondence page here: <https://www.icann.org/en/system/files/correspondence/forrest-austin-dammak-to-chalaby-22jun18-en.pdf>. The Board appreciates your questions regarding the Expedited Policy Development Process (EPDP) and looks forward to discussing them with you during its joint session with the GNSO Council in Panama on 26 June 2018. In advance of our conversation, we have provided some initial thoughts based on the topics you outlined:

1. Discussion paper on the “proposed unified access model”

We appreciate this question, and welcome the opportunity to discuss how this proposed model relates to the EPDP. The work on this is building on initial thinking about a proposed approach for providing continued access to Thick WHOIS data in the discussions leading to the adoption of the Temporary Specification. The objective of the Framework posted is to seek legal clarity on key issues relating to such a model. Additionally, as you know, several communications, including from the [European Data Protection Board](#) and the [European Commission](#) have noted the importance of continuing the discussions on WHOIS access for legitimate uses by relevant stakeholders. It's important that we remain as flexible as possible in this process, while recognizing the work of the EPDP. The Board and ICANN org plan to remain in dialogue with the community on its approach.

ICANN org published the framework document on 18 June for community input. Just as we worked together to agree on tiered/layered access, which was a major change to the WHOIS services, your feedback here will help us shape this model. As the EPDP makes progress on its policy recommendations it may more quickly find alignment with the larger community on the elements of the unified access model. If that is the case, we will work with the GNSO to align this work, as appropriate. If specific advice is received from the relevant DPAs, or the community is not aligned, then it may be more appropriate to address this matter together going forward.

It's also important to note that part of ICANN org's role is to seek legal clarity, which includes discussions with the data protection authorities (DPAs) to confirm, where possible, that the community's consensus policy is compliant with the GDPR. Any legal clarity ICANN is able to gain will help the community in its policy discussions. ICANN org will continue to be transparent about these discussions to help guide the necessary community conversations.

2. Further consideration of the picket fence and its impact on the EPDP

As David Olive noted in an email reply sent to you on my behalf on 11 June 2018, the GNSO Council may want to consider taking the same approach that it currently uses in policy development processes for considering existing consensus policies that may be impacted by

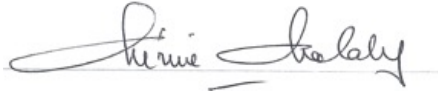
a proposed new consensus policy. However, the Board and ICANN Org stand ready to work with the GNSO Council on these issues as needed and if/when they arise.

3. Budget for the EPDP

It is paramount to the Board and ICANN org that the service support required for the EPDP to be effectively carried out within the timing required is fully provided. Of course, it is difficult at this stage to determine any specific amounts. Should the EPDP require additional service support over and above what is currently being provided, the Board will look forward to considering prudent and fiscally responsible requests from the GNSO that are needed for a timely completion of the EPDP.

Once again, we look forward to our discussion with you in Panama.

Best regards,



Cherine Chalaby
Chair, ICANN Board of Directors