

8 October 2018

RE: Unified Access Model Status Update to Governmental Advisory Committee

Manal Ismail  
Chair, Governmental Advisory Committee

Dear Ms. Ismail

Please find enclosed the Unified Access Model Status Update to Governmental Advisory Committee, a report requested by the GAC in its [Panama Communiqué](#) and which the Board directed ICANN org to produce in the 16 September 2018 [GAC Advice – Panama Communiqué](#) scorecard.

I hope that you find this update to be useful and look forward to engaging in more discussions on this important topic at ICANN63.

Sincerely,



Theresa Swinehart  
Senior Vice President, Multistakeholder Strategy and Strategic Initiatives

# **Unified Access Model Status Report to Governmental Advisory Committee**

In response to 16 September 2018 Board-GAC Advice  
Scorecard

8 October 2018



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# Introduction

This report was prepared in response to the Governmental Advisory Committee's request in its [Panama Communiqué](#) for a [status update](#) on the development of a unified access model, as requested in the Communiqué's advice to "Take all steps necessary to ensure the development and implementation of a unified access model that addresses accreditation, authentication, access and accountability, and applies to all contracted parties, as quickly as possible."

Since ICANN62, ICANN org has worked to develop further details on the draft [Framework Elements for a Unified Access Model for Continued Access to Full WHOIS Data](#), which was published in June 2018, shortly before the Panama meeting began. Below are details on the communications that have transpired, documents that have been published and meetings that have occurred since that time to advance development of a standardized model for access to non-public registration data that is also compliant with the European Union's General Data Protection Regulation (GDPR).

ICANN org prepared the Framework document to determine whether there is a legal foundation based on the GDPR upon which a unified access model may be implemented. It is also important for providing additional legal clarity for data controllers in the WHOIS system, which includes registries and ICANN-accredited registrars, because they are primarily responsible for ensuring compliance with the data protection principles in the GDPR. Ultimately, whether such a model ought to be implemented is a policy question for the community's multistakeholder community.

Finally, ICANN org notes GAC Chair Manal Ismail's 12 September 2018 [reply](#) to President and CEO Göran Marby's 4 September 2018 [letter](#) seeking the GAC's collective and individual members' input on providing access to non-public WHOIS data. The GAC's input on this important topic will be very useful as ICANN org continues to explore possible avenues for the development of a unified access model.

## Key developments since ICANN62

After publication of the Framework Elements document referenced above, ICANN org continued its work on a possible unified access model, particularly in line of additional input it received from the European Data Protection Board (EDPB). The key developments are outlined below:

- ICANN org received a [letter](#) from the EDPB on 5 July 2018 providing additional guidance to help advance the community's discussion on issues related to the GDPR. The letter provided input to advance the community's discussions about a unified access model, including noting that non-public WHOIS data could be made available to third parties "provided that appropriate safeguards are in place to ensure that the disclosure is proportionate and limited to that which is necessary and the other requirements of the GDPR are met...."
- ICANN org published the next iteration of a unified access model on 20 August 2018, with the [Draft Framework Elements for a Possible Unified Access Model for Continued Access to Full WHOIS Data](#). This document was posted to facilitate further discussions with the EDPB as well as the ICANN community. It aims to clarify the technical and legal foundation upon which a unified access model could potentially be built. The details,

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including how a model may be operationalized, would require further and deeper community discussion and engagement.

- The ICANN Board, during its workshop in Genvaal, Belgium on 15 September 2018, [discussed](#) a possible unified access model and various approaches ICANN org may take as it continues to develop a framework.
- A 24 September 2018 [blog post](#) detailed the different avenues ICANN org is exploring related to a unified access model. These efforts are aimed at lowering the legal risks for contracted parties as data controllers to develop a workable model. These included variations involving technical and legal approaches. A technical solution for authentication implementation for a possible unified access model for continued access to registration data could be implemented building on the technology available via the Registration Data Access Protocol (RDAP). Other approaches include ICANN org playing a role in possible terms of use or codes of conduct to satisfy requirements under the GDPR. In addition, ICANN org is also trying to determine whether other adopted documents in the European Union recognizing the public interest importance of the WHOIS meet the requirements of the GDPR as they relate to the public interest.
- ICANN President and CEO Göran Marby [discussed](#) this blog post and approaches for a unified access model during the Expedited Policy Development Process' face-to-face meeting in Los Angeles on 25 September 2018.

## Planned next steps

In the coming weeks, ICANN org plans continued discussions around these developments in a community [webinar](#) planned for 8 October 2018, as well as in meetings with representatives from the European Commission, as well as the EDPB. There are numerous scheduled discussions related to the GDPR on the ICANN63 schedule, including a planned seminar for High-Level Governmental Meeting attendees, planned for 21 October.