

From: Silvia Vivanco

Date: 26 July 2018

To: Board Operations

Cc: Fatimata Sylla, ICANN At-Large Staff, Sarah Kiden, Mohamed El Bashir

Subject: AFRALO/AFRICANN Panama meeting Statement "General Data Protection Regulation - (GDPR)"

Dear Board support staff,

On behalf of AFRALO's Chair Mohamed El Bashir, find attached the AFRALO/AFRICANN Statement "General Data Protection Regulation - (GDPR)" discussed and approved at the ICANN 62 meeting in Panama city.

Please be so kind to forward it to the ICANN Board for its consideration.

Thank you!

Kind regards,

Silvia

Silvia Vivanco

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**AFRALO / AfrICANN Joint Meeting
Panama, Wednesday, 27 June 2018**

Statement

We, the African ICANN Community members participating in the ICANN 62 Policy Forum in Panama and attending the joint AFRALO/AfrICANN meeting on Wednesday, 27 June 2018, discussed the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679).

The discussion was prompted by new developments that came up after the ICANN 60 Community Forum in Abu Dhabi in which the same topic was discussed.

On 17 May 2018, the ICANN Board approved the temporary specification for gTLD registration data ("[Temporary Specification](#)"). The Specification, which became effective on 25 May 2018, establishes temporary requirements that allow ICANN and gTLD registry operators and registrars to comply with the GDPR while maintaining the registration directory services (WHOIS system) to the greatest extent possible.

We acknowledge the fact that the GDPR has elicited a lot of interest from many stakeholders within and outside the ICANN community due to its implications on WHOIS.

After reviewing the Temporary Specification, we have noted that no unified access to nonpublic data exists. Access to the layered data is currently allowed through registry operators and registrars as such registries and registrars will be granting access to the data according to what they regard as compliant with the law. In addition, registries and registrars are required to apply the model when processing data related to the European Economic Area (EEA) but not necessary on a global level. Having different access models as well as applying the temporary specification only when processing data linked to the EEA does not allow for the same level of protection of public interests and rights across the globe. We find that the universality of the Internet is one of its core values and any exception to this value even if it is only through the WHOIS is a step towards the fragmentation of the Internet.

Furthermore, we note the fact that the GDPR continues to be of big interest to Africa because significant content and domain name registrations in the region are hosted outside the continent with a high number of them within the European Union (EU). WHOIS data is important to protect the interests of the intellectual property holders,

consumers, law enforcement entities and most importantly the rights of the Internet end users in a secure, safe and universal Internet.

As the GDPR came into effect on 25 May 2018, we encourage African countries that are major trading partners of the European Union to consider adopting relevant measures needed to ensure compliance with the GDPR in a way that does not have negative impact on Internet users within their jurisdictions. More importantly, we encourage registries and registrars who are serving non-EU regions like Africa to ensure implementation does not have damaging implications on their non-EU customers. This will ensure that cross-border transactions with the EU are not affected. There are both financial and non-financial implications of ensuring compliance under this comprehensive regulation.

We urge all stakeholders to:

- Examine how the regulations will affect their organizations.
- Implement policies that comply with the GDPR.
- Raise awareness on the purpose of the GDPR to mitigate any risks that may result from non-compliance.
- Use GDPR to their advantage.

We urge the ICANN organization and the community to:

- Work towards a multistakeholder consensus based permanent registration directory services that is compliant with the European GDPR, protects the rights and interests of various stakeholders and ensures the universality and non-fragmentation of the Internet.
- Continue in conducting awareness campaigns to educate the community on the implications of the GDPR as it concerns the technical identifiers.
- Define the implications on the Uniform Domain Name Dispute Resolution Policy (UDRP) and the Uniform Rapid Suspension System (URS) and mitigate them.

We Encourage:

The ICANN engagement office in Africa to lead an initiative in collaboration with relevant stakeholders and the African community to help understand the negative and positive implications of the GDPR on Africa; within a reasonable timeframe.

We urge Internet end users to:

- Know their rights to be able to execute them. As an example, when starting to use a service check the privacy rights and adjust them to your requirements.
- Know who is the collector of the data, the purpose for which the data is collected and accordingly give your consent.
- Educate your children about online privacy rights.

Thank you!