

01 April 2022

Ms. Manal Ismail
Chair, Governmental Advisory Committee

Re: GAC Response to ICANN Board Regarding EPDP Phase 2A Policy Recommendations

Dear Manal,

Thank you for your letter of [9 February 2022](#) regarding the Governmental Advisory Committee's (GAC) response to the public policy concerns related to the Expedited Policy Development Process Phase 2A policy recommendations.

In accordance with the ICANN Bylaws, the ICANN Board [considered](#) the GAC's 9 February letter, as well as other materials, and resolved to adopt the recommendations. In adopting the recommendations, the Board observed that based on current information and subject to further inputs from Data Protection Authorities and legal analysis, the EPDP Phase 2A recommendations do not appear to be in conflict with (a) the GDPR, (b) existing requirements for gTLD registry operators and registrars, or (c) ICANN's mandate to ensure the stability, security, and resiliency of the Internet's DNS. On the matter of registrations of legal persons the Board recalls the 5 July 2018 [letter](#) from the European Data Protection Board (EDPB), cautioning that, while the contact details of a legal person are outside the scope of the GDPR, the contact details and any other information relating to an identified or identifiable natural person that may be contained in the registration data of a legal person are within the scope of the GDPR. The EDPB specifically stated that the mere fact that a registrant is a legal person does not necessarily justify unlimited publication of personal data relating to natural persons who work for or represent that organization, such as natural persons who manage administrative or technical issues on behalf of the registrant.

The ICANN Board values the opportunity to receive comments from the GAC and would like to take this opportunity to thank the GAC representatives who participated in EPDP Phase 2A.

Best regards,



Maarten Botterman
Chairman, ICANN Board of Directors