

ICANN | GAC

Governmental Advisory Committee

17 September 2022

Göran Marby,
President and CEO
Internet Corporation for Assigned Names and Numbers (ICANN)

Subject: GAC Response to ICANN CEO Regarding Supplemental Information following GAC Sessions during ICANN74

Dear Göran,

Thank you for your [June 27th letter](#) which sought to address “misunderstandings” that may have arisen during some of the GAC sessions during ICANN74. Members of the Public Safety Working Group (PSWG) led and participated in these sessions. The GAC PSWG brings Public Safety perspectives and expertise into GAC deliberations, to inform GAC participation in GNSO Policy Development Processes, and in regular direct interactions with constituencies such as the CPH, the CSG, ALAC, and SSAC.

Your letter addresses two policy areas that are of concern to GAC members and remain high on the GAC’s agenda, and which the GAC expects to continue discussing further: gTLD domain registration data disclosure to parties with legitimate interests, and DNS Abuse-related requirements in ICANN contracts.

Regarding registration data disclosure, the GAC has sought to engage with the ICANN Community and to advise the ICANN Board on balancing the various interests at stake to provide for appropriate access for legitimate requestors while ensuring compliance with applicable data protection law¹. The focus of the session addressed in your letter was to highlight outstanding concerns relating to the Temporary Specification currently in effect²,

¹ GAC Advice in the Abu Dhabi Communiqué (1 November 2017), sections VII.3.a and VII.3.b at <https://gac.icann.org/contentMigrated/icann60-abu-dhabi-communique> referencing the GAC Principles Regarding gTLD WHOIS Services (28 March 2007) at <https://gac.icann.org/contentMigrated/gac-principles-regarding-gtld-whois-services>

² GAC Barcelona Communiqué (25 Oct. 2018), section IV.2, at <https://gac.icann.org/contentMigrated/icann63-barcelona-communique>

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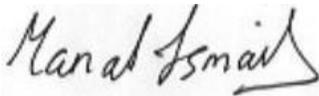
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which would not be addressed by the GNSO Policy Recommendations for a Standardized System for Access and Disclosure (SSAD), if adopted³. Where it relates to compliance with the EU's General Data Protection Regulation (GDPR) specifically, and in particular as part of the ongoing consideration by ICANN org of a WHOIS Disclosure System (previously referred to as "SSAD-light"), the GAC encourages a continued and constructive dialogue with relevant authorities and amongst all interested stakeholders, to ensure that any design strikes an optimal balance of all interests at stake.

Regarding DNS Abuse-related requirements in ICANN contracts, the GAC looks forward to continued engagement with different constituencies across the ICANN community to ensure that ICANN's contracts "*promote the public interest by including clear and enforceable obligation to detect and respond to DNS Abuse*"⁴. Enhancing, as a matter of priority, ICANN's contracts in this regard would support ICANN Compliance's effectiveness in upholding its mission "*to preserve the security, stability and resiliency of the Domain Name System and to promote consumer trust.*"⁵

The GAC appreciates your interest in these important issues and looks forward to future constructive interactions, not least during ICANN75.

Best regards,



Manal Ismail
Chair, Governmental Advisory Committee (GAC)
ICANN

³ GAC Minority Statement on the Final Report of Phase 2 of the EPDP on gTLD Registration Data (24 August 2020) at <https://gac.icann.org/statement/public/gac-minority-statement-epdp-phase2-24aug20.pdf>

⁴ The Hague GAC Communiqué (20 June 2022) at <https://gac.icann.org/contentMigrated/icann74-the-hague-communique>

⁵ Contractual Compliance "About" webpage at <https://www.icann.org/resources/pages/about-2014-10-10-en>