



22 February 2018

Manal Ismail

Chair, Governmental Advisory Committee (GAC)

RE: Clarifying questions following the 27 November 2017 joint GAC-ICANN Organization call on GDPR announcements

Dear Ms. Ismail,

Thank you for your letter of 17 December 2017. It has been published to our correspondence page [here](#). You raised a number of important questions and thus our request to have more time to formulate this reply to address your concerns.

Since you sent your letter in December, we have published several new documents, including a [third memorandum](#) from Hamilton outlining proposed changes to the WHOIS services, a document outlining [three proposed interim models](#) for compliance and [comments](#) received on those models, as well as a [webinar](#) on 2 February 2018 discussing both ICANN- and community-proposed models. I appreciate the GAC's input on the proposed models and to the overall community conversation regarding what changes are required to the collection, retention and publication of registration data.

The actions we've taken since receipt of your letter in December have hopefully addressed many of the questions you raised. You may find more information in our latest announcements, correspondence, proposed models and community feedback on those models, which are all available on ICANN's [Data Protection/Privacy Issues](#) page. Community feedback on the proposed interim models can be seen on this [subpage](#).

Regarding our proposed timeline, as I wrote in my 25 January 2018 [blog](#), we are working hard to assess all the input we have received in order to announce our next steps later this month.

Your letter raised concerns regarding the scope of the interim solutions we have proposed, including the [Statement from Contractual Compliance](#), published on 2 November 2017. The ability to apply for a temporary deferral of contractual compliance enforcement was meant to address the approaching 25 May 2018 deadline for the GDPR's enforcement. Given that numerous contracted parties and ICANN may be affected by this legislation, we are moving swiftly to provide a single interim solution that will allow compliance with both the law and ICANN's contracts and policies on a temporary basis until the ongoing Next Generation gTLD Registration Directory Services Policy Development Process Working Group puts forth its comprehensive recommendations.

As I noted in the 2 February webinar, we are seeking a single model for both the contracted parties and ICANN org to follow. Contracted parties may continue to use existing procedures if they have additional conflicts with local laws.

Finally, as we continue to consider the incoming community input, we are assessing how European ccTLDs have addressed privacy regulations in their WHOIS outputs, as well as how a tiered/layered access model may be operationalized.

Thank you again for your engagement on this important topic. We look forward to continuing these discussions with you and other community members over the coming weeks, including at the ICANN61 meeting in San Juan.

Best regards,



Göran Marby

President and Chief Executive Officer

Internet Corporation for Assigned Names and Numbers (ICANN)