



1 May 2018

RE: Request for Adequate Assurances Relating to WHOIS and GDPR

Jonathan Matkowsky  
Vice President, IP & Brand Security  
RiskIQ  
22 Battery Street, 10th Floor  
San Francisco, CA 94111

Dear Mr. Matkowsky,

Thank you for your letter, dated 26 March 2018, which has been posted to the ICANN Correspondence [page](#). Your subsequent letter, dated 20 April 2018, has been [posted](#) to ICANN's [Data Protection/Privacy page](#). We have reviewed your concerns regarding ICANN's Proposed Interim Model for Compliance with the European Union's General Data Protection Regulation (GDPR). We welcome your contributions to the community's discussions on this topic as we work to settle on a final interim model for compliance.

In your first letter, you reference ICANN's discussions with European data protection authorities (DPAs) about a possible moratorium on enforcement of the law. We note your request for "all documents or correspondence in electronic or paper form referring or relating to enforcement forbearance from GDPR, specifically including policies, plans, and correspondence with DPAs or any other authorities and any responses thereto." We have sent a reply on [24 April 2018](#) to this request, pursuant to ICANN's Documentary Information Disclosure Policy (DIDP).

In addition, and as noted in the reply to your DIDP request, you may have seen that we recently published [letters](#), sent on 26 March 2018, to the 28 European member states' DPAs and the European Data Protection Supervisor requesting they "help ICANN and the domain name registries and registrars to maintain the global WHOIS in its current form, through either clarification of the GDPR, a moratorium on enforcement or other relevant actions, until a revised WHOIS policy that balances these critical public interest perspectives may be developed and implemented." On 29 March, we [spoke](#) with the technology subgroup of the Article 29 Working Party. ICANN and the WHOIS services were discussed at Article 29's plenary meeting on 11 April. Following these exchanges, we received [guidance](#) from the Article 29 Working Party. We continued our dialogue at Article 29's invitation on [23 April 2018](#).

We have also noted your concerns in your 20 April 2018 letter about ongoing discussions regarding an accreditation procedure for access to non-public WHOIS data. As noted above, this letter has been posted to the [Comments/Questions Received on Models Analyses page](#) of ICANN's [Data Protection/Privacy pages](#).

We encourage you to continue sharing your views on this topic with the community group discussing this matter and monitor the above-referenced pages as we receive further input from the community. You may also continue to provide feedback at [gdpr@icann.org](mailto:gdpr@icann.org).

Sincerely,



Göran Marby  
President and CEO, ICANN

CC: Cherine Chalaby  
Chair, ICANN Board of Director