



23 January 2018

Claudia Selli
Chair, Commercial Business Users Constituency

Dear Ms. Selli,

I am writing in response to the letter your predecessor, Andrew Mack, sent on 8 December 2017, which has been posted to the ICANN Correspondence [page](#). We appreciate the Commercial and Business Users Constituency's input on the steps the ICANN org is taking to address compliance with the European Union's General Data Protection Regulation (GDPR).

We have noted your concerns regarding the 2 November 2017 [Statement from Contractual Compliance](#) and its compatibility with the [Revised ICANN Procedure for Handling WHOIS Conflicts with Privacy Laws](#) (WHOIS Procedure). As we stated in the [Guidelines for Proposed Models to Address the GDPR](#), contracted parties do not need to initiate the [Registry Service Evaluation Policy](#) or the WHOIS Procedure to share a proposed model with ICANN for analysis unless they plan to imminently deploy the model. Any deviation from ICANN contractual requirements must be approved or authorized in advance of deployment. It is important to note that this temporary measure is not intended to supersede existing ICANN policies. The ability to apply for a temporary deferral of contractual compliance enforcement is meant to address the approaching 25 May 2018 deadline for the GDPR's enforcement. Given that numerous contracted parties may be affected by this legislation, we are moving swiftly to provide an interim solution that will allow compliance with both the law and ICANN's contracts on a temporary basis until the ongoing Next Generation gTLD Registration Directory Services Policy Development Process Working Group puts forth its comprehensive recommendations.

In my [21 December 2017 blog](#) and in other fora, I have emphasized that the organization has made it a high priority to find a path forward to ensure compliance with the GDPR while maintaining WHOIS services to the greatest extent possible. This remains a critical point as we seek to find workable solutions to ensure both compliance with the law and with ICANN's contracts. In parallel, it is worth noting that the GNSO Council is [revisiting the WHOIS Procedure](#) by forming a [Drafting Team](#) to consider revising the available triggers.

Finally, on 12 January 2018 we [published](#) three possible models for collecting registration data and implementing registration directory services. We are seeking community input on these models as soon as possible before we settle on a single model by the end of this month. To ensure we reach this goal, we need your feedback sent to gdpr@icann.org by 29 January 2018.

We have heard from you and others in the community about a tight timeline for assessing any changes to the WHOIS services. That is why we are moving swiftly to identify an appropriate solution as we follow the steps we have shared with the community.

We'll continue to keep the community apprised of our engagement activities and urge you to monitor our [data protection/privacy page](#) as we receive further input from the community.

Sincerely,



Göran Marby
President and CEO, ICANN