



# Internet Corporation for Assigned Names and Numbers

3 December 2006

Mohamed Sharil Tarmizi  
Senior Advisor, Office of the Chairman  
Malaysian Communications and Multimedia Commission  
Chair of the Governmental Advisory Committee of ICANN  
63000 Cyberjaya, Selangor Darul Ehsan  
MALAYSIA

Dear Chairman Tarmizi,

Please find attached for the consideration and review of ICANN's Governmental Advisory Committee, the Draft Procedure for Potential Conflicts between Whois Requirements and National Privacy Laws. We have posted this proposed procedure for public comment today, but wanted to call special attention to your committee in light of the potential public policy issues relating to its implementation.

Since this proposed procedure (if implemented) could be triggered by governments, or governmental agencies, with concerns regarding the provision of Whois services, there are public policy aspects that ICANN Staff believes should be considered by the GAC. Accordingly, ICANN seeks GAC advice concerning this draft procedure.

As background, the ICANN Board adopted a resolution to, "implement a GNSO recommendation on a procedure for handling potential conflicts between Whois requirements and national privacy laws." (See, <http://www.icann.org/minutes/minutes-10may06.htm>). This concluded a policy development process of the GNSO Council. The Whois Task Force of the GNSO also provided detailed advice regarding the potential content of this procedure. The Board directed staff "to develop and publicly document a procedure for dealing with such conflicts, taking into account the advice of the GNSO and any other interested ICANN Supporting Organization or Advisory Committee".

In accordance with the ICANN Board decision, ICANN staff planned to commence implementation of the final procedure in early 2007. In light of our request for your committee's review, we are eager to accommodate GAC input into a time frame that will accommodate a response from the GAC. Accordingly, please advise us whether the GAC intends to review this proposed procedure and an estimate of the time required for such a review. ICANN Staff are available to facilitate responses through one-on-one contacts with interested committee members, if appropriate.

If you or your Committee have any questions, comments or concerns regarding this letter, please let us know. Thank you in advance for your attention in this matter.

Sincerely,

John O. Jeffrey  
General Counsel and Secretary  
Internet Corporation for Assigned Names and Numbers (ICANN)