

22 June 2018

Expedited Policy Development Process in relation to the Temporary Specification adopted by ICANN Board

From:

Heather Forrest, Donna Austin & Rafik Dammak
GNSO Council Chairs

To:

Cherine Chalaby
Chair, ICANN, Board of Directors

Dear Chair of the ICANN Board of Directors,

We write to advise that the GNSO Council has formed an Expedited Policy Development Process (EPDP) Charter and Initiation Request Drafting Team. The Drafting Team held a meeting on 19 June 2018. In those discussions, the Council returned to an outstanding question raised in our earlier discussions and correspondence with you and your Board colleagues, and identified additional new questions. We share these with you below and propose that these be discussed in the upcoming GNSO Council and ICANN Board meeting in Panama at ICANN 62 on Monday, 25 June 2018.

1. Discussion paper on the “proposed unified access model”

On 18 June 2018 ICANN org published a “proposed unified access model” that puts forward for consideration a process for how third parties may be granted access to non-public Whois information¹. It is unclear where this ICANN proposal fits in our EPDP work. There are multiple possible interpretations, including for example that the proposed access model is merely a temporary solution while the EPDP work is underway, or alternatively that it forms an integral part of the Temporary Specification and thus is to be evaluated by the EPDP as such. Some GNSO Council members believe that the scope of the EPDP should be limited to resolving the shortcomings and gaps of the Temporary Specification; we must therefore understand the relationship between the “proposed unified access model” and the Temporary Specification. The Council would appreciate the Board’s input on this point before moving forward with scoping the EPDP.

(2) Further consideration of the picket fence and its impact on the EPDP

In our discussions with the Board on 5 June 2018, the GNSO Council sought the Board’s input on how the EPDP should take into account matters contained in the Temporary Specification that fall outside of the picket fence. In our letter of 8 June 2018 the specific question was raised: “The Temporary Specification covers a number of additional policies that go beyond the requirements of the RA and RAA

¹ <https://www.icann.org/news/blog/data-protection-privacy-update-seeking-community-feedback-on-proposed-unified-access-model>

as they relate to Registration Data Directory Services. How does the Board believe the GNSO Council should handle these areas of overlap?”² This issue has a significant impact on our efforts to scope the EPDP so requires further discussion before that effort can satisfactorily progress.

(3) Budget for the EPDP

Due to the importance and the time-sensitive nature of the EPDP, it is imperative that there is adequate budget to cover:

- Independent legal advice
- An independent facilitator with a background in conflict resolution
- Staffing and other professional services
- Resources for face to face meetings
- Modest capacity development, such as the upskilling of some members in basic data protection principles

We understand the Board has just approved the ICANN FY19 budget but consider the EPDP a top priority and as such wish to ensure appropriate resources are allocated to support it.

We look forward to meeting with you in Panama City and discussing these important matters affecting the Council’s next steps in relation to the EPDP.

Best regards,

Heather Forrest, GNSO Chair

Donna Austin, GNSO Council Vice Chair

Rafik Dammak, GNSO Council Vice Chair

² <https://gns0.icann.org/sites/default/files/file/field-file-attach/forrest-to-chalaby-08jun18-en.pdf>
