

11 December 2018

RE: Joint APWG/M³AAWG GDPR and WHOIS User Survey Results

Dave Jevans
Chair
Anti-Phishing Working Group (APWG)

Jerry Upton
Executive Director
Messaging, Malware and Mobile Anti-Abuse Working Group (M³AAWG)

Dear Mr. Jevans and Mr. Upton,

Thank you for your letters, dated 18 October 2018, which included the results of APWG's and M³AAWG's Joint GDPR and WHOIS User Survey. The letters and survey results have been published [here](#) and [here](#). The results will be considered as ICANN org continues to explore a possible unified access model that also diminishes the legal risks associated with the European Union's General Data Protection Regulation (GDPR) for ICANN's contracted parties.

Your letters note the importance of developing a possible unified access model. As this work continues, ICANN org is now considering technical implementation solutions for developing a model that is line with the GDPR and the legal liabilities for gTLD registries and ICANN-accredited registrars. In an 8 November 2018 [blog](#) I describe the formation of a Technical Study Group on Access to Non-Public Registration Data, which has been tasked with this research. Once this group's work begins, we'll publish a separate announcement with information on how to follow their work. Many ICANN community members have expressed support as ICANN org continues to explore a possible unified access model, with a particular goal of diminishing the legal risks for contracted parties.

Your letters also make recommendations for policy changes. As you note, the [Expedited Policy Development Process](#) (EPDP) that is considering the [Temporary Specification for gTLD Registration Data](#) is continuing its deliberations and published its [initial report](#) for public comment in November. The EPDP's timeline can be found [here](#). The EPDP is considering many of the issues you have raised, including the potential creation of a tiered access model for different kinds of user groups, among which would be law enforcement and the operational security community, as well as the use of secure hashes in place of redacting data from public WHOIS records. In reply to previous [correspondence](#) on this topic, I [wrote](#) to Mr. Jevans to indicate that "the Board may consider this request and possibly refer it to the Board Technical Committee for review and comment prior to or in parallel with consultations with the Security and Stability Advisory Committee." Since that time, the Board Technical Committee has been informed of the issue and may discuss it at its next meeting. The Security and Stability Advisory Committee makes its own determinations regarding advice it gives.

Further, at this time, the ICANN Board does not intend to issue another Temporary Specification or amend the current one absent a compelling legal reason, consistent with ICANN's current contracts with registries and registrars, for it to do so; for example, to maintain the security or stability of registry services, registrar services, or the Domain Name System.

I welcome your contributions to our ongoing discussions regarding access to non-public registration data. You may continue to share your thoughts at gdpr@icann.org and follow the latest developments at ICANN's Data Protection/Privacy Issues [page](#).

Sincerely,



Göran Marby
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers (ICANN)