

24 July 2017

Theresa Swinehart  
Senior Vice President  
Multistakeholder Strategy and Strategic Initiatives  
Internet Corporation for Assigned Names and Numbers

cc Dr Steve Crocker, Chair  
Mr Göran Marby, CEO

Dear Theresa

On behalf of the GAC, allow me to express some concerns about the GDPR compliance task force, for which you recently invited the GAC to contribute. Our understanding is that the task force intends to invite “public review” of a matrix of WHOIS data elements relied upon by particular user groups early in the week of July 24th. We recognize the aggressive deadline is due to the need for operational clarity for ICANN, registries, and registrars in the October/November timeframe in order to meet the European General Data Protection Regulation (GDPR) effective date of May 25, 2018, but we want to ensure that adequate participation by governments and their respective constituents occurs; and second, that there is a systematic and effective channel for the public at large to convey its interest in maintaining access to WHOIS information.

We emphasize the importance of the continued availability of the WHOIS, as a key tool concerned by these efforts, to all users with a legitimate purpose. Any mapping should therefore ensure a comprehensive reflection of views from all users. And while some GAC members have already submitted information as it relates to governmental activity, we suggest that ICANN proactively take steps in this process to include the uses of the public at large in the first stage of the exercise. This likely necessitates ICANN consulting and proactively seeking input beyond the range of routine ICANN participants.

We appreciate that in your July 20th message you committed to accommodate future contributions, the template you propose to post will be admittedly incomplete and will make it difficult for the public review the full range of WHOIS usages. Further, the proposal to post successively revised versions of the matrix risks creating confusion and successive rounds of reactions to an ever-changing document.

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We would therefore request a short extension of the deadline until August 7th to allow for a more reasonable time-period for initial contributions. We further request that a mapping of user categories be provided, showing which user groups have been taken into account and which may require further input from members of this task force, including from the GAC. We look forward to working with you on the task force and believe that these suggestions would help strengthen this process and permit the public a reasonable opportunity to understand and react to this important effort.

Regards

A handwritten signature in black ink, appearing to read "Th. Schneider", with a long horizontal flourish extending to the right.

Thomas Schneider  
Chair  
Governmental Advisory Committee