



22 September 2017

Via Email

Andrew Mack
Chair, ICANN Business Constituency

Dear Mr. Mack:

Thank you for your letter of 31 August 2017, addressed to Dr. Crocker and myself. We appreciate the Business Constituency's work and interest on the topic of data privacy and protection regulations, and the work the entire ICANN community undertakes, in particular in relation to WHOIS. Your letter has been posted to ICANN Correspondence [page](#).

As you know, the topic of data privacy and protection regulations around the world, including the European Union General Data Protection Regulation (GDPR), is an important one, in particular, to determine the potential impact to the services and functions ICANN is responsible for, including on the existing WHOIS policy.

We share your interest in clarifying what WHOIS entails, and why it is important to the domain name system. As you know, we have acknowledged and reiterated that ICANN organization's work in relation to the GDPR does not change or replace any existing policy development work the community is undertaking.

We understand the need for strong community participation on these efforts. I can assure you, we are committed to continuing our collaboration with the community on next steps.

In this regard, the preparations of a matrix to provide a comprehensive list of user stories related to registrant's data that registries and registrars collect, display and process, pursuant to ICANN contracts is an important contribution to the discussion. We appreciate the work with the community to prepare this matrix, and thank the Business Constituency for its input. The matrix is an important contribution for further discussions with relevant parties on the potential impact of the GDPR. The compilation has now been published, and can be found [here](#). (Posted on the gTLD Registration Dataflow Matrix and Information [page](#).)

Additionally, to help inform whether there are contractual compliance implications because of the new law, ICANN is engaged in a legal review and analysis of the GDPR relating to the domain name industry. In support of this effort, we have engaged a specialist European law firm, Hamilton Advokatbyrå, to provide legal analysis on the domain name industry's use of WHOIS. A draft of the initial phase of the analysis from Hamilton is expected to be published for feedback from stakeholders prior to the ICANN60 meeting in Abu Dhabi in October 2017.

To keep the community apprised of the next steps in relation to the GDPR discussions, we regularly post to the [website](#) updates of activities and next steps. The most recent posting can be found [here](#).

As engagement continues on the possible implications of the legislation on existing WHOIS policy, we have also reached out to the SO/AC leadership to provide the opportunity for the SOs and ACs to engage and join in meetings as well as to provide their perspectives. Moreover, I have [written](#) to several Data Protection Authorities in Europe regarding ICANN's work to understand the effects of the GDPR. We anticipate the topic will be an important one at the ICANN60 meeting, which will include a community-led session that we will help facilitate.

As the Business Constituency has a broad and global membership, we appreciate your continued participation in the discussions, and would welcome input on what the members of the Business Constituency are undertaking with respect to engaging with authorities around this issue, in particular given the expertise and presence of many of your members in Europe. You may want to also contact our Managing Director of ICANN's Brussels office, Jean-Jacques Sahel (jean-jacques.sahel@icann.org), on joining engagements in Europe.

The ICANN organization will continue to work with the community to understand the effects of GDPR on our organization, and to engage with our community, and other parties such as the data protection authorities and relevant European institutions, to understand and facilitate discussions on its effects on our agreements and on WHOIS.

We look forward to facilitating discussions for the community and engaging on informing discussions with the relevant parties on WHOIS and the user stories.

Sincerely,



Göran Marby
President & CEO, ICANN