

11 February 2024

RE: Timeline to Respond to Urgent Requests for Disclosure of Domain Name Registration Data (Proposed Registration Data Policy for gTLDs, EPDP Phase 1 Implementation)

Nicolas Caballero
Chair
Governmental Advisory Committee

cc: Sally Costerton, Interim President & CEO, ICANN

Dear Nicolas,

Thank you for your [letter](#) of 23 August 2023 regarding the GAC's concerns about the proposed timeline to respond to urgent requests for data disclosure as drafted within the Registration Data Policy.

As you know, the Registration Data Policy is the implementation of the recommendations of the [Expedited Policy Development Process \(EPDP\) Phase 1](#). At the Board's direction, ICANN org has worked with a multistakeholder Implementation Review Team (IRT) since 2019 to draft requirements based on these recommendations. As the EPDP Phase 1 policy recommendations explicitly left the timeline for urgent requests for disclosure of data to be worked out in implementation, ICANN org facilitated the development of the relevant requirements with the assistance of the IRT.

The Board appreciates the GAC's public policy interest in the collection, transfer, display, and disclosure of registration data and its engagement in the IRT and has noted the GAC's urging to conclude this work in its communiqués throughout the implementation period. The Board also understands the particular sensitivities around emergency situations and recognizes the difficulty of creating a single rule that is appropriate for each such case.

Per the GAC's request, the Board has reviewed the policy background for the timeline to respond to urgent requests for disclosure of domain name registration data and discussed it extensively. After discussion, the Board concluded that it is necessary to revisit Policy Recommendation 18 concerning urgent requests in the context of situations that pose an imminent threat to life, serious bodily harm, infrastructure, or child exploitation, and the manner in which such emergencies are currently handled. For this, we believe that consultation with the GNSO Council is required.

The Board would like to avoid further delay in the implementation of the foundational Registration Data Policy that specifies all transactional requirements. The Board noted the GAC's statement that "our concern focuses on the urgent request issues, and we do not wish for our request to delay the implementation of the balance of the GNSO policy recommendations," and agreed that the Registration Data Policy could move forward while we pursue further work on the urgent request issue.

As you may know, the IRT also discussed this approach at the [ICANN78 Public Meeting](#), with GAC and Board members participating, and supported it as the best course of action.

With IRT support, the [GNSO Liaison to the IRT wrote](#) to the GNSO Council to inform them of this approach and asked the Council to consider the matter of urgent requests in future work.

Therefore, the Board believes that all parties are in agreement with publishing the Registration Data Policy and removing the language on urgent requests for disclosure, and has directed the implementation team to proceed with the process of publication.

I would like to thank GAC members for their engagement and collaboration with the community on these important issues.

Sincerely,



Tripti Sinha
Chair, ICANN Board of Directors