

29 January 2021

GNSO Council Input Concerning Implementation of EPDP Phase 1, Recommendation 7 Motion

From the GNSO Council
To Maarten Botterman, Chair, ICANN Board of Directors
cc-list: GNSO Council Leadership

Dear Maarten:

On behalf of the GNSO Council, I am writing to inform you of the GNSO Council's adoption, by GNSO Supermajority, of a [motion](#) related to [EPDP Phase 1](#), Recommendation 7 to provide GNSO Council input to the Registration Data Policy Implementation Review Team pursuant to Section III.A of the Consensus Policy Implementation Framework.

As you may recall from the ICANN Board and GNSO Council's previous correspondences related to this EPDP Phase 1, Recommendation 7 ([1](#), [2](#), [3](#)), the Board has noted that if a current consensus policy is to be amended or repealed by a GNSO Policy Development Process Working Group's ("PDP WG") policy recommendation, it must be done so clearly and explicitly. The GNSO Council has acknowledged that "recommendations contained in the EPDP Final Report do not specifically overturn the Thick WHOIS Transition Policy".

In light of the previous correspondences on this matter, in the discussion between representatives from the ICANN Board and GNSO Council leadership in November 2020, it was agreed that if the EPDP Phase 1 team did intend to modify the Thick Whois Transition Policy via Recommendation 7, it would be sufficient for the GNSO Council to confirm this intention via a motion.

Following the meeting between GNSO Council Leadership and ICANN Board members, a [motion](#) was submitted to the full GNSO Council for its consideration. The GNSO Council adopted the motion, by a GNSO Supermajority, during its [meeting](#) on 21 January 2021. Within the motion, the GNSO Council confirms the EPDP Phase 1 team had the mandate to modify the Thick Whois Transition Policy under its [charter](#). The GNSO Council goes on to confirm that, notwithstanding the absence of a clear statement, that the intent of EPDP Phase 1 Recommendation #7 is to modify the Thick Whois Transition Policy, "taking into account the history, background, context and purpose of the EPDP [Phase 1], the specific language of Recommendation #7 and the EPDP Phase 1 Final Report in its entirety." In its motion, the GNSO Council also recommends that the Recommendation #7 language, "must be transferred from registrar to registry provided an appropriate legal basis exists and data processing agreement is in place" be included in the Registration Data Policy in order to conform with the intent of the EPDP Phase 1 Team's policy recommendation and the subsequent GNSO Council adoption.

The GNSO Council would like to thank the ICANN Board for its continued engagement on this matter, and, should there be additional questions or concerns from the ICANN Board, GNSO Council leadership remains available to discuss further.

Sincerely,

Philippe Fouquart, GNSO Chair.