

21 June 2019

RE: Coalition for Online Accountability recommendation to the Board on EPDP

Dean S. Marks  
Executive Director and Legal Counsel  
Coalition for Online Accountability

Dear Mr. Marks,

Thank you for your [letter of 14 May 2019](#). Your letter was shared with the ICANN Board prior to its [action](#) on the policy recommendations that resulted from [Phase 1](#) of the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data.

In its resolution adopting 27 of the 29 recommendations, the Board noted that it did not adopt Recommendation 1, Purpose 2, at this time to allow for additional consultation with the GNSO Council and/or additional guidance from the Data Protection Authorities to inform its consideration of the recommendation. In doing so, it cited your letter as raising similar concerns. As you note, the [European Commission](#) has also provided input on the purposes for processing data, as well as an access model. The Board will now formally consult with the GNSO Council on this matter.

With regard to your comments related to Recommendation 7, you will find more in the Board's rationale, which noted in adopting Recommendation 7 that, "the Purposes contained in the Final Report, at Recommendation 1, provide the legal basis for processing the aggregate minimum data set under this Recommendation. The Board requests that the EPDP Phase 2 team consider whether the suggested corrections contained in the Registry Stakeholder Group's comments and the accompanying chart in Appendix G of the Final Report more accurately reflect the Phase 1 consensus and should be adopted."

On your comments related to Recommendation 16, the Board noted divergence in the EPDP about the value of a study to inform the policy. Consequently, the Board directed ICANN org "to discuss with the EPDP Phase 2 Team the merits of a study to examine the feasibility and public interest implications of distinguishing between registrants on a geographic basis based on the application of GDPR."

Sincerely,



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